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REPORTS
FROM
COMMISSIONERS, INSPECTORS,
AND OTHERS:
TWENTY-SEVEN VOLUMES.

—(8.)—

GROCCERS' LICENCES (SCOTLAND);
INLAND REVENUE.

Session

17 January — 16 August 1878.

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R E P O R T S

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

1878.

TWENTY-SEVEN VOLUMES:—CONTENTS OF THE EIGHTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Report; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

GROCERS' LICENCES (SCOTLAND):

- ✓ [c. 1941.] Report of the Commissioners appointed to inquire into the Laws regulating the Sale and Consumption of Excisable Liquors, sold not for Consumption on the Premises in Scotland; with Minutes of Evidence, Appendix, and Index - - - p. 1

INLAND REVENUE:

- ✓ [c. 1896.] Twentieth Report of the Commissioners of Inland Revenue, for 1876-77 - - - - - 593
- ✓ [c. 2158.] Twenty-first Report, for 1877-78 - - - - - 717

} Bound Separately

GROCCERS' LICENCES (SCOTLAND) COMMISSION.

R E P O R T

BY

T H E C O M M I S S I O N E R S

APPOINTED TO INQUIRE INTO

T H E L A W S R E G U L A T I N G T H E S A L E A N D C O N S U M P T I O N

O F

E X C I S A B L E L I Q U O R S S O L D N O T F O R C O N S U M P T I O N
O N T H E P R E M I S E S

I N

S C O T L A N D ;

T O G E T H E R W I T H

T H E M I N U T E S O F E V I D E N C E ,
A P P E N D I X , A N D I N D E X .

Presented to both Houses of Parliament by Command of Her Majesty.



EDINBURGH: PRINTED BY NEILL AND COMPANY,
FOR HER MAJESTY'S STATIONERY OFFICE.

1878.

[C. 1941.] *Price 6s. 3d.*

COMMISSION.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith :

To Our right trusty and well-beloved Councillor, Sir JAMES FERGUSSON, Baronet, Knight Commander of our Most Distinguished Order of Saint Michael and Saint George ; Our trusty and well-beloved ARCHIBALD CAMPBELL SWINTON, Esq. ; Our trusty and well-beloved PETER M'LAGAN, Esquire ; Our trusty and well-beloved JAMES ARTHUR CRICHTON, Sheriff of the County of Fife, Esquire ; and Our trusty and well-beloved WILLIAM FERGUSON, Esquire, greeting.

Whereas We have deemed it expedient, for divers good causes and considerations, that a Commission should forthwith issue for the purpose of inquiring into the Laws regulating the Sale and Consumption of Excisable Liquors Sold not for Consumption on the Premises in Scotland, and to report whether, in their opinion, any alterations, and if any, what alterations ought to be made in the said Laws.

Now know ye that We, reposing great confidence in your zeal, ability, and discretion, have authorised and appointed, and so by these presents authorise and appoint you, the said Sir James Fergusson, Archibald Campbell Swinton, Peter M'Lagan, James Arthur Crichton, and William Ferguson, to be Our Commissioners for the purposes aforesaid ; and for the better discovery of the truth, and enabling you to form a sound judgment in the premises, We do hereby authorise you, or any three or more of your number, to call before you, or any three or more of your number, all such persons as you may judge most competent, by reason of their situation, knowledge, and experience, to afford you correct information on the subject of this inquiry, and also to require the production of all books, records, documents, and papers which may appear to you, or any three or more of you, calculated to assist your researches in the execution of the trust hereby reposed in you, and to inquire concerning the premises by all other lawful means whatsoever.

And Our further will and pleasure is, that as soon as the same can conveniently be done (using all diligence), you certify unto Us, under the hands and seals of you, or any three or more of you, your several proceedings by virtue of this Our Commission, together with your opinion on the several matters herein submitted for your consideration.

And We will and command that this Our Commission shall continue in full force and virtue, and that you, our said Commissioners, or any three or more of you, shall and may, from time to time, proceed in the execution thereof, although the same be not continued from time to time by adjournment.

And for your assistance in the due execution of this our Commission, We have made choice of Our trusty and well-beloved WILLIAM JOHN MURE, Esquire, to be Secretary to this Our Commission, and to attend you, whose services and assistance We require you to use from time to time as occasion may require.

In Witness whereof, We have ordered the Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of Scotland to be appended hereto.

Given at Our Court at Saint James's, the Fourteenth day of August, One thousand eight hundred and seventy-seven, and in the Forty-first year of Our Reign.

Per signaturam manu S.D.R. Reginae supra scriptam.

Sealed at Edinburgh, the 24th day of August, One thousand eight hundred and seventy-seven.

COLIN MACKENZIE,

Deputy Keeper of the Seal.

L.lxxx Scots.

Written to the Seal and Registered, the Twenty-fourth day of August 1877.

JOHN KIRK,

Director of Chancery.

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GROCERS' LICENCES (SCOTLAND) COMMISSION.

R E P O R T.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty,—

We, the Commissioners appointed by your Majesty to inquire into the Laws regulating the Sale and Consumption of Excisable Liquors sold not for consumption on the premises in Scotland, humbly submit to your Majesty this our Report.

PROCEEDINGS OF THE COMMISSION.

1. We began our proceedings in execution of your Majesty's Commission by issuing to the Chief Magistrates of the Cities and Burghs of Scotland, to the Clerks of the Peace of Counties, to the Chief Constables of Counties, and to the Superintendents of Police in Cities and Burghs, certain questions in order to obtain from them information with reference to the subject of our inquiry, and their opinions thereon. These questions and the substance of the replies given to them will be found in Appendix A to our Report. We subsequently issued to all the Chief Officers of Police above mentioned tabular forms to be filled up by them, wherein are shown, so far as they can be obtained, the numbers each year since the year 1854, of (1) Licensed Grocers; (2) Unlicensed Grocers; (3) Persons Licensed to Sell Beer and Porter only; (4) Hotels and Public Houses; (5) Grocers convicted of Breach of Certificate; (6) Persons found Drunk and Incapable; (7) Persons apprehended for crimes, and of those how many were drunk when apprehended; and also the Rental of Premises occupied by Licensed Grocers in each district. These returns will be found in Appendix B to this Report. We received in Edinburgh the evidence of a variety of witnesses, including the official persons belonging to the city and to the neighbouring counties, representatives of the licensed and unlicensed grocers, and a great number of persons who were interested in the subject, or were suggested as witnesses, either by the advocates of changes in the law, or by the agents of the trade concerned. Meanwhile, circulars stating the object and scope of the Commission were sent to all parts of the country, and notices inserted in the local newspapers, in order that all persons desiring to offer evidence might communicate with us, and be prepared to be examined if required. We then proceeded to take evidence in Glasgow, and subsequently in Dundee, Aberdeen, and Inverness, as convenient centres for large districts. We have held in all 19 sittings for the purpose of receiving evidence, and examined 335 witnesses. We have besides received letters from many persons who were unable or unwilling to appear personally before us. Some of these are printed in Appendix D.

2. The witnesses for the most part are distinctly divided into classes: (1) those who allege that the combination of the trade of grocers and vendors of other commodities with the trade of vendors of spirits is objectionable, and injurious in its effects; (2) those who regard this combination as natural and convenient, but allege that the law which regulates the combined trade is frequently broken, and that with impunity; (3) the representatives of the licensed grocers, and those suggested as witnesses by them, who either

deny the alleged offences, or insist that they are of rare occurrence; and (4) the representatives of the unlicensed grocers, who complain that it is unjust to grant licences to some grocers and refuse them to others.

3. We feel bound to testify to the personal trouble which some of the witnesses have expended in order to inform themselves and us, manifesting an earnest desire to establish by proof the views which in the public interest they advocate. Especially we would
 1432. mention Sir Robert Anstruther, Baronet, M.P., who before we commenced our inquiry had obtained from all parts of Scotland replies to queries addressed by him to public and responsible persons. The documents containing these replies he placed in our hands in
 App. C. *extenso*. Some selected and specimen papers referred to in his evidence will be found in Appendix C. We have also to express our thanks for the full and careful answers to our questions, and for the returns furnished by most of the official persons to whom we were obliged to apply for the facts necessary to our inquiry.

4. We have endeavoured to limit our inquiry and to confine the evidence to matters relating to the branch of the licensed trade to which our commission referred; but we found it impossible to exclude entirely evidence respecting the extent of habits of intemperance in the community, and in particular classes thereof; of the manner in which the licensing and magisterial authority is exercised; of the purity or otherwise of the liquors sold; and even, incidentally and comparatively, of matters connected with the other branches of the trade in excisable liquors.

5. We believe that the evidence which we have obtained from the several classes of witnesses above mentioned has been sufficiently exhaustive of the facts of the case; but we are obliged to point out the almost entire absence of evidence from the smaller licensed dealers. In several cases where witnesses presented memorials
 1946-8, 6644, or gave evidence professing to embody the testimony of all the members of their
 6881-2, 6653. trade in a particular district, it appeared that a considerable minority had not appended
 1595. their names, and that this minority were of the class above mentioned. One memorial which professed to disclaim energetically, on the part of the grocers of a particular town and neighbourhood, the malpractices which had been alleged to be prevalent, contained no mention of that one which had been most frequently particularized, viz., the practice of allowing liquor to be consumed on the premises.
 1704-5-6,
 1718.

6. We are impressed by the striking uniformity in the evidence of the Constabulary, with very few exceptions, upon the principal points involved. This evidence shows that the law is frequently evaded, and that the evasions are extremely difficult to detect. But many of the other witnesses who accused the licensed grocers of promoting intemperance, or at least of fostering habits of drinking, frankly admitted that their objections were equally strong against every form of the 'liquor traffic,' and that they attacked, in the present instance, the particular form which was under consideration.
 200, 813, 1030,
 1220, 1395, 2109,
 2198, 3255, 3693,
 4476, 4642, 4686,
 5727, 6157, 6181,
 7589, 7774, 7809,
 7836, 8074, 8172,
 8296, 8470.
 1565, 6603,
 6759, 7964.

7. There will be found in our Appendices the two sets of answers above referred to, of the Chief Magistrates of Cities and Burghs, of Clerks of Peace and Chief Officers of Constabulary; a selection of communications received by the Commission; extracts from the
 Appendices Acts of Parliament regulating the sale of excisable liquors not to be consumed on the premises, in Scotland, England, and Ireland. There is also an Analysis of the Evidence, and a General Index.

HISTORY AND STATE OF THE LAW.

9 Geo. IV.
 c. 58

8. Prior to 1853, licences in Scotland were regulated by the Act of 1828. Under this Act there was only one form of certificate authorizing persons to keep 'common inns,' 'alehouses, and victualling houses.' Certificates under this Act were granted to grocers, and the licence they obtained enabled them to sell liquors to be consumed on the premises.

9. In 1846 a Select Committee of the House of Commons, appointed to consider the system of granting certificates for publichouses in Scotland, reported, 'That the combination of the trade of grocers and vendors of other commodities with the trade of vendors of spirits, to be consumed on the premises, is, especially in towns, productive of evil consequences to the working classes.'

10. Following on that Report the Act of 1853, commonly known as the Forbes

M'Kenzie Act, introduced the system of granting certificates for licences to sell liquors, 16 & 17 Vict. c. 67, sec. 2. App.E, p. 507. 'not to be consumed on the premises,' and licensed houses were classified into (1) inns and hotels; (2) publichouses; and (3) dealers in excisable liquors, and grocers and provision dealers trading in excisable liquors. It was made illegal to grant any certificate for spirits, wine, and excisable liquors to be drunk or consumed on the premises, 'unless on the express condition that no groceries or other provisions to be consumed elsewhere, shall be sold in the house or premises with respect to which such certificate is granted. Sec. 1. Provided always, that nothing herein contained shall prevent any person or persons obtaining a certificate as a grocer,' for the sale of porter, ale, spirits, and other excisable liquors 'by retail, but not to be consumed on the premises, at the same rate as is exigible for a certificate for a publichouse.' Penalties were imposed on grocers who infringed the law by permitting consumption on the premises, and three convictions rendered the person convicted incapable of holding a licence in all time coming. The certificate under which grocers were licensed prohibited the sale of excisable liquors before 6 in the morning, or after 11 at night, and on Sundays. Sec. 2. Sec. 15. Cert. Form 3.

11. By the Act of 1862 new forms of certificate were introduced, and additional restrictions were imposed upon grocers. They were prohibited (1) from selling liquor to girls or boys under 14 years of age; (2) from receiving or taking in, as the price of excisable liquors, any wearing apparel, goods, or chattels; and (3) from selling liquor before 8 in the morning or after 11 at night. The certificate under the Act of 1853 was granted on the condition that the person in whose favour it was issued 'do not sell any spirits to be drunk or consumed on the premises.' In the form of certificate annexed to the Act of 1862, these words are altered to 'do not traffic in or give any spirits,' &c. A certificate to sell spirits was to be sufficient to authorise the issue of a licence to sell porter, ale, &c. Persons holding licences under the Excise Act of 1861 for the sale of table beer not to be consumed on the premises (which licences were issued without the applicant having obtained a certificate from the Magistrates or Justices of the Peace), were subjected to the same conditions as persons holding certificates. 25 & 26 Vict. c. 35 sec. 2. App.E, p. 507. Cert. Form 3. Sec. 3. Sec. 7. 24 & 25 Vict. c. 21, sec. 3. App.E, p. 509.

12. The Act of 1862 further provided, that where a person is desirous of keeping an inn, publichouse, or shop for the sale of spirits or other excisable liquors, he shall fill up a statutory form of application, which shall not be entertained until a report as to the suitability of the premises shall have been made and subscribed by a Justice of Peace or Magistrate entitled to grant a certificate. The report must be accompanied by a certificate of the applicant's character, also signed by a Justice of Peace of the County or Magistrate of the Burgh in which the premises are situated. It is not, however, necessary to produce a certificate of character in applications for renewal. Power is given to the police, for the first time, to enter the premises of any grocer holding a licence, but only where they shall have reason to believe that a breach of certificate is being committed. Penalties are imposed for obstructing the admission of the police. An explanation is given of what shall be deemed drinking on the premises; a penalty is imposed on persons found drunk and incapable; and on licensed persons who harbour constables when on duty. App.E, p. 508. Sec. 8. Sec. 9. Sec. 13. Sec. 15. Sec. 23. Sec. 24.

13. The most recent Act relative to the liquor traffic in Scotland was passed in 1876. It declares the refusal by the Magistrates to grant a new certificate to be final, and abolishes appeals to Quarter Sessions in that matter. Grants of new certificates in counties must be confirmed by a standing committee of the Justices of Peace of the County (to be called the County Licensing Committee), and in burghs by a joint committee of the Magistrates of the Burgh and Justices of Peace of the County. Provisions are made for the appointment and procedure of such committees; persons opposing an application before the Justices or Magistrates may also do so before the confirming authority; applicants for renewal are not obliged to appear personally, unless required to do so; and persons licensed to sell table beer under section 3 of the Excise Act of 1861 must obtain certificates in terms of the Act of 1862. 39 & 40 Vict. c. 26. App. E, p. 509. Sec. 5. Sec. 6. Sec. 8. Secs. 7 & 9. Sec. 12. Sec. 15. Sec. 17. 24 & 25 Vict. c. 21, sec. 3. 25 & 26 Vict. c. 35.

14. The law regulating the sale of liquors in grocers' shops is much more indulgent in Scotland than in England or Ireland, for, whereas in the two latter countries no spirits can be sold by a 'spirit grocer' in a less quantity than a reputed quart, in Scotland there is no restriction upon the quantity or manner of sale; so that spirits may be sold by a grocer in the smallest measures, and even in an open vessel; in fact, enormous quantities are constantly sold in very small measures, a frequent habit in shops resorted to by the working classes being for the customer to bring a bottle to contain the quantity required, which may be more or less securely corked by the salesman on delivery. 24 & 25 Vict. sec. 2. App. E, p. 509.

35 & 36 Vict.
c. 94.
Sec. 5, 83, 84.
Sec. 62.
Sec. 86.
Sec. 35.
Sec. 87.

15. Moreover, the seller in England and in Ireland is liable to a heavy penalty if, with his privity, the purchaser drinks such liquor on the premises, or near the premises; proof of the actual sale or consumption of liquor is not required if the Court hearing a case of alleged offence be satisfied that a transaction of the nature of a sale had or was about to take place; no spirit grocer can have his premises open at any other times than those limited for the sale of liquors; a constable may at all times enter any licensed premises, and Justices of the Peace and constables may enter the premises of the spirit grocer during prohibited hours and remove any person who shall appear to have been recently drinking therein. The absence of such provisions in the Scotch Acts was brought to our notice in the course of our inquiry.

1080, 1082,
2198, 4754.

96.
2215.
6301.
6303. 16. In Scotland it would appear that, up to 1853, licensed grocers carried on a trade in no respect differing from that of publicans. We have reason to believe that from a remote period it was the custom to obtain in grocery and provision shops refreshments of a simple kind, of food as well as of drink; but the more precise distinction of trades, which modern habits had produced, caused the gradual transfer of casual entertainment from such shops to hostelryes proper, and we were told that the grocers, at least in Edinburgh and Glasgow, willingly acquiesced in the restriction of their business by the Act of 1853 to the sale of liquors not to be consumed on the premises.

101, 181,
724, 1263,
2160, 2854,
3541, 6146,
7533.

4422.
589. 17. It would appear that after that period the licensing authorities, while very generally endeavouring to restrict the number of licensed houses, regarded the multiplication of grocers' licences as less objectionable than that of publichouses; and while granting licences with increased reluctance to the latter, were less careful to limit the numbers of the former, so that in some towns nearly every grocer in a considerable way of business is possessed of a licence. In some districts also persons applying for publichouse licences were granted grocers' licences instead, thereby increasing the competition both in the grocery and liquor trade, and in consequence the facilities to the public of purchasing intoxicating drinks. We find, however, that in many districts the magistrates have altered their opinion as to the comparative advantages and disadvantages of the two kinds of licence, and now consider it necessary to exercise equal caution with regard to both.

5520.
5532.

Report, p. x.

18. Before entering upon the examination of the subject which has been referred to us, we think it right to call attention to the general results of legislation regulating the sale of liquors in Scotland, disclosed in the course of our inquiry. The Royal Commission appointed in 1859 to inquire into the operation of the Act of 1853, which had placed unprecedented restrictions upon the sale of excisable liquors, reported that great improvement had been accomplished by that Act, and that the public generally had acquiesced in its stringent provisions. One result of the Report of that Commission was that the Legislature imposed further restrictions upon the sale of liquors not to be consumed on the premises, limiting the hours during which sales could be made to the same as those authorised for publichouses. All the witnesses examined by us approve of the trade in intoxicating liquors being under strict regulation, and there is an almost unanimous concurrence of opinion that the restrictive legislation which has hitherto been adopted has been productive of marked benefit to public order and morality. This legislation, we are glad to observe, has not caused any loss to the traders thereby affected, nor do they generally complain of the restrictions imposed upon them. On the contrary, nearly all the representatives of the branch of the trade forming the subject of our inquiry expressed their desire for a further limitation of their hours of sale in their own interest, and many of the official and independent witnesses volunteered statements to the effect that a still earlier hour of closing all licensed premises would be greatly conducive to good order. Moreover, although the habits of a portion of the community leave much to be desired in the direction of self-denial and moderation, we have reason to think that there is no retrogression, but rather an advance in public opinion with regard to the advantage of legislation in the repression of excess, and to the disgrace which attaches to insobriety.

1793, 1949, 2253,
2527, 2624, 2799,
5151, 5277, 5426,
5446, 5489, 6993,
7154, 7209, 7314,
7752, 7890, 8034.

Report Licen-
sing, &c.,
Commission,
1859. P. xx.

19. The legislative restrictions upon the sale of liquors in Scotland are so exceptional that it is proper to notice the effect which has followed these restrictions during the period of sixteen years since the Royal Commission of 1859. That Commission reported that the closing of all licensed houses during the whole of Sunday by the Act of 1853 was no new law, but only the restoration of a prohibition imposed by the common law of Scotland, which was rendered inoperative by judicial interpretation of the Act of 1828; and that evidence had been 'adduced from all classes of persons of the benefits which had arisen from 'a return to the former practice' under the Act of 1853. 'The improvement in large towns,'

it is added, 'has been most remarkable. Whereas formerly on Sunday mornings numbers of persons in every stage of intoxication were seen issuing from the publichouses, the streets are now quiet and orderly, and few cases of drunkenness are seen. The evidence of the police authorities proved that, while there has been a considerable diminution in the number of cases of drunkenness and disorder since the passing of the Act 16 & 17 Vict. cap. 67, the change has been more marked on Sunday than on any other day in the week. We are not disposed to recommend any alteration in regard to it.'

20. The foregoing statements are confirmed by the evidence laid before us; and although when it referred to publichouses it was given incidentally, and was stopped by us when passing beyond its application to the subject of our inquiry, it is sufficient to warrant us in stating that the law which restricts the sale of excisable liquors in Scotland to the hours between 8 A.M. and 11 P.M., and prohibits it on Sundays altogether, except in inns and hotels to residents and travellers, has continued to be satisfactory in its results, and is generally accepted and acquiesced in. The illicit sale in unlicensed houses has been greatly checked by the amending Act of 1862, and convictions in respect of that class of offences are now comparatively rare.

16 & 17 Vict.
c. 67.
2240, 2576,
6312, 7126.
7085.

21. It is sometimes said that if a man who desires to continue his self-indulgence is prevented from purchasing spirits upon Sunday, he will provide himself upon Saturday with the supply which will enable him to do so. Experience, however, shows that this is only true to a limited extent, and that hard drinkers are seldom so provident. They will turn into the house that lies in their way, and will even purchase a supply at the hour of closing, but the quantity so procured is soon consumed, and the removal of facilities for obtaining a fresh supply checks the persistence in the vicious indulgence.

22. On the other hand, it appears that the refusal of all legitimate opportunities for obtaining a commodity which is in general demand leads often to a supply being furnished at all hazards, and the well-intended suppression of licensed houses over a large extent of country induces persons to risk the heavy penalties of the law in order to earn the large profits accruing from the sale of spirits in such circumstances. The inevitable deduction from the facts brought to our knowledge is, that within certain limits legal restraints are effectual in reducing drunkenness and its consequences to the public peace, that the present restraints in force generally in Scotland have not passed those limits, but that where they have been somewhat strained by the local authority,—and this has only come to our notice in some remote country districts,—the effect has been rather to increase breaches of the law. The Chief-Constable of Inverness-shire says:—'I know that districts where the authorities have set their faces against having more licensed houses than a hotel, have become hot-beds of shebeening.'

2723, 2844.
7619, 7087.
8591.

8518.

IMPERFECTIONS OF THE LAW.

23. We are now led to refer more particularly to the complaints and allegations which have been made to us as to the imperfections of the law regulating what for convenience we may call the trade of the licensed grocer, and as to the evasions and breaches of the law which are said to be prevalent.

24. The licensed grocer, though prohibited by the Act of 1862 from selling liquors on Sundays, or except between 8 A.M. and 11 P.M. on other days, may keep his shop open at any hour, and it is alleged that liquors in consequence are sold, and that sometimes they are consumed, on or near to the premises before and after the legal hours.

25 & 26 Vict.
c. 35.
1032, 4174, 4690,
6184, 6729, 7434,
7491, 7616, 7924,
7951, 7965, 8074.

25. There is no statutory provision fixing the value or size of premises in which the trade in excisable liquor may be carried on, and in practice many licences are granted in respect of shops of a very small rental, and consequently in the occupation of persons of a poor and needy class, who are specially exposed to the temptation of making money by illegal sales. It is urged that although the varying circumstances of different places preclude the fixing by the Legislature of a uniform standard, the licensing authority should be required to fix for the area within its own jurisdiction, or the several districts thereof, a *minimum* standard of rent or size for licensed premises.

957, 1467, 1678,
2827, 3471, 3558,
4840, 5374, 8351.

26. The increase of drunkenness in towns is said to be simultaneous with the multiplication of licensed grocers, even although at the same period there has been a reduction in the

1045, 2047, number of publichouses, whereas an opposite result has taken place when the number of both
 3071, 3086, classes of licensed houses have been reduced. Moreover, the more ready credit granted by the
 5925, 6693, grocer than by the publican is said to encourage the free use of spirits by a class who do
 6736, 7703. not resort to the publichouse, but indulge themselves at home to a very injurious extent.

39, 336, 361, 694, 27. Licences are frequently granted to premises having immediate communication with
 156, 1279, 1420, the dwelling-house or other premises not included in the licence. This renders it easy for
 778, 3217, 3622, the law to be evaded without the facility of detection. In many places the licensing
 707, 4448, 4783, authority does impose conditions in this respect, and in the City of Glasgow the Magis-
 845, 7879, 8179, trates do not now grant a licence to any premises to which the dwelling of the occupier is
 485. attached.

581, 3776.

21, 831, 869, 1031, 28. Many witnesses, and especially nearly all those from the police force, complain that
 393, 3708, 6036, the premises of the licensed grocers are so obscured from external observation, either by the
 111, 6118, 7655, arrangement of goods in the windows, or by the artificial blinding of the windows and
 680, 8074, 8172, doors, that it is impossible to perceive from the outside what is passing within; and also
 208, 8384. that in many shops there are screens, or goods so placed as to form screens, behind which
 6118, 7680. drinking takes place without the possibility of its being observed. Some witnesses allege
 7478, 8438. that as soon as a grocer obtains a licence, such artificial obstructions to view are usually
 3708. put up.
 5564.

43, 949, 2028, 29. Many witnesses, and again nearly all those belonging to the police, state that in
 104, 3173, 4604, many licensed grocers' shops drinking is very common and notorious, but that detection is
 735, 6387, 6530, extremely difficult from the precautions above mentioned, and also from the practice, where
 231, 7856, 7672, the law is thus being broken, of setting a watch to guard against the approach of a
 959. policeman or suspected person; while conviction is also difficult, because the Magistrates
 423, 7507, 7632, generally require the evidence of the policeman to be corroborated, and proof to be
 681, 7835, 7967, furnished that the liquor was actually seen to be consumed. Cases were related to us in
 176, 8265, 8391, which convictions were not obtained although the seller was seen to snatch away a glass
 520, 8532. from the hand of a person at the counter, and to throw liquor contained in it upon the floor,
 1220, 6109, the ground of acquittal being that it was not proved that liquor had been actually consumed
 815. on the premises.

25 & 26 Vict. 30. A constable is only empowered to enter and inspect the premises of a licensed
 c. 35, sec. 13. grocer where he has reason to believe that a breach of certificate is being committed, a
 App.E,p.508. condition which, for the foregoing reasons, he has great difficulty in satisfying. We
 209, 1028, were informed by many officers of police that, in numerous cases where they were certain
 1165, 3200, that breaches were most common, the difficulties in the way of detection and conviction
 3255, 3671, were so great that the law was practically inoperative.
 686, 6157, 7497.

844, 4142, 4392, 31. It has been brought to our notice that liquors are often consumed by the pur-
 548, 4595, 4754, chasers in the neighbourhood of, or even immediately outside the shop. In towns the
 937, 7867, 7956, grocer will sometimes lend the measure in which the liquor is drawn, or a glass, from which
 123, 8473. it may be drunk in an adjoining passage or court; in the country, a bottle will be taken
 and its contents consumed behind a neighbouring fence. This involves no breach of the
 existing law, but it is manifestly an evasion of its intention, and the custom is complained
 of in some neighbourhoods as a nuisance.

08, 1294, 3066, 32. A complaint very commonly made by those who advocate the withdrawal of
 213, 4375, 4543, licences to sell liquors from dealers in provisions of every kind is, that the present
 577, 6590, 7360, system affords great encouragement to drinking habits to those who would not resort
 628, 7698, 7775, to a publichouse for a supply of liquor, because they think it disreputable to do so. It is
 963, 7950, 8600. said that many women especially have gradually 'taken to drink,' by beginning with
 1042. occasional tipping at the grocer's, or with liquor procured there. It is also said, although
 494. no specific instances were stated to us, that servants on errands to licensed grocers are
 2390. treated or tempted by presents of spirits, and that children begin to drink when
 6586. employed to fetch spirits from shops otherwise than in perfectly secured bottles.

24 Geo. II. c. 46. 33. It was alleged by many witnesses that, in order to evade the 'Tippling Act' or
 115, 671 2170, to conceal the transaction from heads of families, licensed grocers are in the habit of
 1000, 3067, 4001, supplying liquor and entering it in accounts or pass-books under other designations.
 1188, 4199, 4299, This was energetically denied by representatives of the trade. A number of accounts
 468, 4532, 4548, and pass-books, however, were exhibited to us in which such entries as soap and other
 1674, 4760, 5040, 1755, 1824, 1916, 2459, 3480, 5419, 5750, 6644, 6653, 6879, 6992, 7742, 7757, 8206.
 1439, 6621, 6729,
 1781, 7793, 7910,

common articles appeared with suspicious frequency, with reference to which entries were 1042, 4468, were informed that they had been disputed on the ground that they were in fact charges for 6675, 6688. liquors, and that payment of them had not been pressed by the creditor. Official witnesses stated that in the Small Debt Courts, when accounts were sued for in which entries for 2170, 3296. 'goods' occurred, the Magistrates generally found that it meant spirits, and one Sheriff of 4001, 4101, long standing stated that he invariably insisted that such entries were really not 'goods', 5041, 7388, but 'bads.' As a rule such fictitious entries were stated to be made by the lower class 6362. of dealer on behalf of the wives of working men, but one instance was given in which a woman in superior circumstances had procured liquor for a long period from a grocer in the best part of Edinburgh by such covert practices. 3000.

34. In several counties the practice has become common of grocers sending carts into 980, 1096, the country to deliver both provisions and liquors to their customers. It is generally 1184, 1321, understood that this is done in pursuance of previous orders, but in some cases it has 1415, 2203, been proved that liquor has been sold on the spot without a previous order. It is com- 3267, 3676, 4354, 5340, plained that, by reason of such carts regularly travelling through the country districts, the 5956, 6165, limitation of licensed houses by the Magistrates is completely neutralized. 6389, 8600. 1095.

35. The licensed grocers, as might be expected, after so much has been said in Parlia- ment and in the newspapers against them, made strenuous efforts to represent their case effectively before us. We examined 94 witnesses connected with the trade, and received memorials numerous signed. These witnesses, and the signatories to the memorials, as we 1580, 1755, have before stated, energetically denied, for themselves and for their trade, the imputations 1946, 2440, cast upon them. They referred to the long continued existence of the privilege of dealing 4950, 5258, in liquors, urging especially the convenience to their customers of being enabled to pur- 5488, 6644, chase their supplies of liquors and provisions at the same shop, and the advantage 6653, 6879, to persons who do not like to go to publichouses of being able to procure from the grocers 6966. the liquors which they require; and they claimed the credit of keeping liquors of a superior 1667, 5496, quality, and, in the case of spirits, of greater age, and, consequently, of greater whole- 2016, 7181, someness, than those generally procurable at publichouses. This evidence was corroborated 5399. by many witnesses, and no doubt could have been supported by many more; but it appeared to us useless to reproduce again and again statements which we had no reason to disbelieve. In fact, the very large trade carried on by many licensed grocers proves that their business meets the wants of a great part of the population. In such a trade there are, of course, many grades. In the cities, and in nearly all the towns, there are shops which supply families in the higher ranks, and probably no branch of business is more regularly and respectably conducted. There are others, also of a perfectly respect- able character, in which the business lies chiefly with the working classes, and in some of these sales take place to an extent which must be considered enormous, though, for the most part, in very small quantities, such as two gills, one gill, and even half a gill. Thus, Mr 1790, 1854. Thomas Rae, of West Calder, whose business lies among a well-paid mining and artizan class, sells 1600 gallons yearly, about half of which is in such small quantities; Mr Mungall, of 2311. West Calder, sells 120 gallons a month in small quantities; and we found that in many other establishments a business similar in extent and character was carried on. It was repre- sented to us that, with the higher rate of wages generally earned now-a-days, habits of comparative luxury have become common among the working classes, so that many steady and well-doing men now make a practice, especially when the week's work is done, of purchasing small quantities of spirits, which are consumed at home with their families or friends. A witness pointed out that 'while we have not increased our drinking propen- 2553. sities, we have been living more generously. You will observe that the enormous increase in the consumption of tea took place after the reduction of the duty to 6d. The following is the table:—

	1852.	Per Head. Pounds.	1875.	Per Head. Pounds.
Butter, per cwt.	344,185	1.4	1,467,870	4.92
Cheese, " "	336,160	1.36	1,542,821	5.46
Cocoa, per lb.	3,024,338	0.1	9,957,610	0.30
Coffee, " "	32,564,164	1.16	32,048,016	0.98
Currants and Raisins, per cwt. .	663,557	2.67	1,254,170	4.29
Rice, per cwt.	399,170	1.6	3,389,286	11.68
Sugar, " "	6,594,308	26.7	18,237,723	62.85
Tea, per lb.	53,965,112	2.0	145,327,432	4.44

' and in 1876 the consumption of tea was 185,536,371, or 5·6 pounds per head. Of late years no separate account has been taken by the Board of Trade of spices, but since the abolition of the duty, the consumpt has in many cases trebled in quantity. The returns of the savings bank also show conclusively that the people, while spending more money on these articles within the last four years, have laid by immensely larger sums. In Glasgow last year a sum of £1,073,000 was paid into the savings bank. There has been also an immense increase in the Post Office Savings Bank, the sum last year being £8,982,350. There are likewise investment companies which are very numerous in Edinburgh, and building societies; and there are numerous other things which I could quote, showing that the working classes are immensely more frugal, or at least more careful than they used to be. They are living more generously, but I distinctly deny that drinking has increased. We also see plainly that they are eating more generously, which I think is a very good feature.'

36. We are of opinion that, for the most part, those of the trade who are known as family grocers conduct their business in a regular and respectable manner, and are free from serious irregularities. No doubt, even among them there are occasional acts which, strictly speaking, involve a breach of the certificate, such as giving a glass of liquor to a customer; and we are constrained to believe that there are many licensed premises, both in town and country, where the law is systematically broken, and that the number of convictions obtained furnishes no test whatever of the number of offences committed. Thus—

In Dundee, where the Magistrates have for several years been exerting themselves, both to reduce the number of licensed houses and to enforce the law, so rigorously, indeed, as to forfeit licences in some cases after one conviction, both the present and the late superintendents of police state that they believe that the law is broken in at least one-third of the licensed grocers' shops.

In Ayrshire the officers of constabulary state that they believe that the law is broken by most of the licensed grocers in the populous places. 'It is remarkable,' says the Chief Constable, 'the number of grocers' shops in one part of the country that have an entrance to the premises of the grocer by a close, where numbers of the inhabitants have to pass up to their dwelling-houses; and there is nothing to prevent the grocer from passing spirits through that entrance, that is, in the close from the shop which enters into the street.' 'I am quite sure that there is very extensive irregularity among the licensed grocers.'

The Superintendent of Police in Ayr being asked what proportion of the licensed grocers break the law, says—'The proportion is comparatively the whole of them.'

The Provost of Kilmarnock says—'I think in the cheaper rented shops there is a large amount of illicit drinking.'

The Chief Constable of Lanarkshire—'There are a great number of grocers who are supposed by the police to break the law, but there is no evidence to that effect. In 1876 there were 16 cases against grocers reported, and in 10 of them convictions were obtained.'

The Chief Constable of Dumbartonshire—'The licensed grocers' houses have not been very well conducted in so far as consuming on the premises is concerned, but the Justices have acted very firmly in sweeping away the licence in cases where there was only one conviction.'

The Procurator-Fiscal of the City of Aberdeen—'Right or wrong, it is the impression here that the grocers' shops—as a rule, the smaller class—are as much public-houses as they are grocers' shops.'

The Chief Constable of Aberdeenshire—'The evasion of the law is habitual, not only by admitting persons to consume drink in back shops and rooms, but by persons purchasing in shops, and stepping outside the door and drinking it. (Q.) Do you mean us to understand that there is habitual evasion of the law which the police have been unable to detect?—(A.) Yes.'

The Superintendent of Police, Peterhead—'Evasions are frequent in grocers' shops—in 7636, 7638, as many as the half of them,—chiefly in respect of drinking on the premises. I 7638, 7640, have great difficulty in detecting it. There are few but what do this less or 7645, 7652. more.' 'The grocers have generally a spy to give the alarm.'

The Provost of Dunfermline—'I believe there is a great deal of drinking in grocers' 3173. shops.'

The Chief Constable of Fife—'I have not the least doubt that cases of evasion are numerous.'

37. Such are a few instances taken at random of the opinions of men who are best qualified to form an opinion upon the facts of the case. The evil appears to be deep-seated, and it is our belief that many of the lower class of grocers do not hesitate to allow liquor to be consumed on their premises if they can do it with impunity. They appear not to have acquiesced in the change in the law which took place in 1853, rendering 8456. grocers and provision shops no longer places for the consumption of spirits, and to consider that it is unfair that the publican should be allowed to sell liquor to be consumed either on or off the premises, when the grocer is confined to the latter. In fact, several witnesses who were grocers represented that, as they are only allowed to sell liquor to be consumed 1638, 6415, off the premises, the publican ought to be confined to the sale of liquor to be consumed on 6600, 7551-3 his. 8394, 8600.

38. It cannot be regarded as otherwise than demoralising that a law which, in the opinion of Parliament, is calculated to promote the welfare of the community, should be systematically evaded, and that the authorities should be unable to enforce it.

SUGGESTED AMENDMENTS.

39. It will be seen from the evidence that a great number of suggestions have been made with the view to remedy the evils which at present exist. We only consider it necessary to direct attention to some of the most practical.

40. Those who have represented both the occurrence of numerous offences and the present inefficacy of the means of prosecution or conviction, point out several respects in 213, 822, 935, which it is essential that the powers of the police should be increased, and that the trade 1030, 1259, 1530, should be further regulated. They recommend primarily that the police should have the 2114, 2198, 2932, right of entrance at all times to all licensed premises. Many witnesses of high standing in 4381, 4438, 4525, the trade declared that they should have no objection to the police possessing such powers, 4642, 4721, 5530, inasmuch as they had nothing to fear. We deem it essential for the prevention 6007, 6701, 7649, of drinking on the premises, that the police shall have the same right of entry at all times 7691, 8587. to the licensed grocers' shop as they have at present to the publichouse, and in England 35 & 36 Vict. c. 94, secs. 35 and and Ireland to all licensed premises. It may be expected that the duties of inspection 87. App. E., p. 510. will be performed with discretion, and that respectable tradesmen will not be needlessly 37 & 38 Vict. c. 49, molested in the conduct of their business. secs. 16 and 17. App. E., p. 511.

41. Again, suggestions have been made in respect of both the numbers and the 44, 5446, size of the premises licensed, with a view to further restriction. The action of the 2947, 7341. licensing authorities in reference to these matters is very unequal. In Glasgow the Magistrates have adopted a strict and firm system in both particulars. In 1876 there were 34 hotels, 1546 publichouses, 268 grocers,—in all, 1848. The estimated population 3766. being 545,000, there was thus one licence for each 295 of the population, a hotel for each 16,029, a publichouse for each 352, and a licensed grocer for each 2033. In the year before 3769. the Act of 1853 came into operation there were 2053 licensed houses for a population of 360,000. Again, in 1858, the gross rental of the licensed places in Glasgow was £66,205, being on an average £40, 16s.; in 1876 the gross rental was £159,047, 10s., being on an average £86. There are only three grocers and five publicans who live on the premises. 3772. The practice has been only to grant a grocers' licence to people who were dealing 3778. extensively in grocery goods. The Magistrates refuse licences if they think that more 3782. are not wanted in a particular locality, and there are manifold more grocers in Glasgow 3784. without a licence than with one, including some of the most extensive. In Edin- burgh, on the other hand, there are, by the statement of the Superintendent of Police, ' 879 licensed houses, of which only 342 are publichouses, and 480 grocers. Grocers' 170-178. ' licences are sometimes given to men who have had no grocers' shop previously, 181-182.

‘ and in some cases where a publican’s licence has been applied for. There are many low-
 185-189. ‘ rented houses, about 170 whose annual rental is under £25, which is a very small rent
 ‘ for a shop in Edinburgh; and there are about 20 under £15 of rental, which is a very
 191-192. ‘ low rent indeed. We have far too many low-rented houses certified.’ ‘I think too
 ‘ many grocers’ licences have been granted of late years. I think it would be better to
 14, 17, 18. ‘ have fewer,—better for all concerned.’ We find that, while in 1854, with a population
 (by the census of 1851) of 160,302, the number of publichouses licensed was 511, and of
 grocers 326, in 1876, with a population (at the census of 1871) of 196,979, there were only
 347 publichouses, while there were 485 licensed grocers. It appears, moreover, that, as a
 2479. rule, nearly every grocer in a considerable way of business at the West End of Edinburgh
 holds a licence.

42. In other towns there is a similar difference of practice, as will be seen by the tables
 App. B. appended to our Report. In some, the Magistrates restrict the number of licensed houses
 and require the fulfilment of conditions in respect of size, separation from dwelling-house,
 and suitability of premises; in others, hardly any restriction appears to have been imposed
 in any particular, and in some the number licensed is very great.

43. It has often been proposed that the number of licensed houses of all kinds should
 be graduated according to population, one to each 500 being the ideal proportion, and
 many witnesses have suggested that no licence should be granted in respect of premises
 Report, p. iii. below a minimum annual value. The Select Committee of 1846, above referred to, reported
 and iv. that in their opinion the Justices of Peace for each county should appoint a committee for
 the purpose of ascertaining and fixing the number of publichouses necessary for the wants
 of each district for a certain number of years prospectively; and they further suggested
 the appointment of local committees to fix the minimum rent of houses to the occupants
 Report, of which new licences should be granted. The Commission of 1859 recommended that
 p. xxviii. no certificate should be granted with respect to any house not already licensed, or to any
 new tenant of any house already licensed, unless the annual value of such house be, in small
 towns and rural districts, £10; in towns containing 5000 inhabitants, £15; in towns of
 from 5000 to 20,000 inhabitants, £20; and in larger towns, £30. It will thus be seen that
 two different principles have been suggested for the purpose of determining the number and
 character, in any district, of premises for the sale of excisable liquors—the one being that
 the licensing authority, or a committee of their number, should fix the number of houses
 according to the requirements of the district, or with reference to the population; the
 other being to fix a minimum rent for premises (1) according to the value of property in
 the district; (2) according to the population of the district. This latter principle has been
 35 & 36 Vict. recognised by Parliament in the Act of 1872, and, we think, would with advantage be
 c. 94, sec. 45. extended to Scotland.
 App. E, p. 510.

44. With regard to the number of houses which should be licensed, we think that the
 County or Burgh Licensing Committee should be required to fix, at intervals of three or five
 App. D, years, what shall be the greatest number of houses in respect of which licences of all kinds
 p. 501. are to be granted in any town or district within their jurisdiction, so that, by the lapse
 1208. or forfeiture of licences, the existing number may be reduced to the prescribed limits. In
 1016. several counties of Scotland, for example that of Haddington, the Justices have for many
 App. D, years laid down and maintained such regulations for the guidance of the licensing benches
 p. 501. 3851. in the several districts. Through the operation of the regulations in force in that county,
 1020. the number of licensed houses of all kinds in the landward part has been reduced from 140
 in 1841 to 68 in 1876-7.

45. The following conditions have been indicated by many witnesses, and we think
 them indispensable to the enforcement of the law as regards licensed grocers’ premises:—

1. That there shall be—

- (1) No internal communication between the licensed premises and the dwelling-house or other unlicensed premises:
- (2) No side or back entrance to the licensed premises:
- (3) No blinding of the windows or door by colouring or obscuring the glass, or by hanging placards, or by arranging the stock so that it shall be impossible for the interior of the premises to be observed from without:
- (4) No screen or partition within the licensed premises:

2. That penalties shall be imposed for making, after obtaining the licence, any such alterations in the premises as shall be in breach of the foregoing restrictions, and that the licence itself shall in addition be forfeited, as provided in the Eng-

- lish Licensing Act for a similar offence. We would except from the penalty of loss of licence the offence of hanging placards or arranging stock, unless in the opinion of the Magistrates this had been wilfully or repeatedly done for an illegal purpose.
3. That no excisable liquors shall be upon the licensed premises except in bottles or jars corked and sealed, and that the violation of this rule shall also involve loss of certificate.

35 & 36 Vict.
c. 94, sec. 9.
App. E, p.
509.

46. The representatives of the trade generally objected to the last-mentioned requirement, on the ground of its inconvenience; but we are convinced that in no other way can the consumption of liquor on the premises be prevented if the seller be disposed to permit it. We do not suppose that such a provision will render evasion impossible, but if it be made a breach of certificate for a grocer to have liquor in open vessels upon his licensed premises, we believe that it will be generally effectual. We are informed that in some cases the cellar is licensed as well as the shop. We are not insensible to the inconvenience that will be caused to many traders already certificated, by the alterations in their premises now proposed, but we are proposing measures which in many cases will lead to a reduction in the number of licensed houses, and which will render the possession of a certificate even more valuable than it is at present. We think, therefore, that with due notice the trader may fairly be called upon to submit to restrictions necessary for the enforcement of the law against those disposed to evade it.

1772, 1812, 1873,
2038, 2444, 2350,
3464, 5079, 5405,
5442, 7007, 7165,
7889, 8028.

47. The English Licensing Act provides that, 'in proving the sale or consumption of intoxicating liquor . . . it shall not be necessary to show that any money actually passed, or that any intoxicating liquor was actually consumed, if the Court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of intoxicating liquor was about to take place.' We think that a similar provision might with advantage be adopted in Scotland. The Public Houses Act (Scotland) Amendment Act of 1862 provided, in the case of shebeens, that it is sufficient 'in order to warrant . . . conviction . . . that the premises contained drinking utensils;' and if the restriction with regard to the sale in open vessels be adopted, we think that it would not be an undue provision that the presence of such utensils on the licensed premises as would subject the 'shebeen' keeper to a penalty, should render the licensed grocer liable to conviction for a breach of his certificate.

35 & 36 Vict.
c. 94, sec. 62.
App. E, p. 510.

25 & 26 Vict.
c. 35, sec. 19.
App. E, p. 50.

48. It has been proposed that sales of spirits by grocers shall be limited to quart or pint bottles. We fail to perceive that any advantage would accrue from such restriction. It would undoubtedly inconvenience a very large class of customers, and possibly divert business from the grocer to the publican. It might also increase intemperance, by inducing the purchase of a larger quantity than is actually desired. It does not seem to us to be of any consequence what is the size of the bottle or other vessel, so that it is closed when kept for sale.

632, 742, 1056,
1452, 2603, 3426,
3556, 3812, 4329,
4418, 4691, 5530,
6189, 6633, 8399.

49. The provisions of the Licensing Act (England), with reference to the seller permitting liquor to be consumed on any highway adjoining or near the premises, as already referred to, should be applied to Scotland.

35 & 36 Vict.
c. 94, sec. 5.
App. E, p. 509.

50. The foregoing we regard as conditions which have been proved indispensable to the enforcement of the law; but we are far from being confident that they will be at once effectual where abuses are of long standing, and are in favour with many of the holders of licences and their customers.

51. We have stated that the Act of 1862 prohibited licensed grocers from selling liquors before 8 in the morning or after 11 at night. But they are at liberty to have their shops open during any hours for their other business, and it is stated that some sell liquor before the publichouses can open. It appears, however, from the evidence before us, that it is not usual for licensed grocers to have their shops open before 8 A.M., or later than 11 P.M., and it is desirable that they should not be allowed to do so, inasmuch as facilities are thereby afforded for breaking the law. There was, moreover, a general desire expressed by the trade witnesses that an earlier hour for closing should be prescribed—such as 8 on ordinary days and 10 on Saturdays. On Saturdays the enactment of the earlier hour would deprive many persons engaged in this trade of an extensive business. We are not insensible that this increased restriction may be viewed as a measure of convenience to the trade, by relieving those who are disposed to close early of the necessity of keeping their shops open later on account of the different practice of others; but as there was a general

25 & 26 Vict. c. 35,
Cert. Form 3.
App. E, p. 508.

4689.
1755, 5855.

2527.
App. D, p. 505.
Report, par. 18.

concurrence in the recommendation by the members of the trade who came before us, by the official witnesses and by many others, we think that it is one which on public grounds should be adopted.

1039. 52. It was stated to us incidentally that 'in one burgh the Magistrates allow the whole of the innkeepers and publichouse-keepers to open their houses at 7 A.M., which is contrary to law, because the Act says, as was decided in the case of Rothesay, that it is only in a district of a town that this can be done. The Act is quite clear that in a district of a town the Magistrates may grant other hours; for instance, the Magistrates at Ayton granted longer hours to Eyemouth during the fishing season—from 6 o'clock in the morning; but that is only a district of the county.' In Rothesay the Magistrates, misapprehending their powers, had closed all the licensed houses at 10 P.M., and it was stated to us that while this rule was in force the improved order and quiet of the town was remarkable. We refer to this evidence particularly because the grocers would not be willing, in all cases, to submit to the further restriction of their hours, except on the supposition that the law is to be maintained in its present limitation of the hours of publichouses.

25 & 26 Vict. c. 35. Cert. Form. 3. 314. Graham v. Lang, 22d Dec. 1876 (not yet reported). 1455, 2366, 7902, 7925. 53. The existing prohibition in the certificate 'to sell or supply liquors to girls or boys apparently under fourteen years of age,' has been held by the High Court of Justiciary not to apply when the children are acting as messengers, the seller being obliged to satisfy himself of the fact. It is urged that the delivery to children should be prohibited in all circumstances, on the ground that the errand itself is demoralising, and that as the liquor is in many cases delivered in the open vessels brought for the purpose, or in bottles loosely corked, the children are tempted to taste it on their way home, and to acquire early an inclination for strong drink. If, as we have recommended, the sale of spirits by grocers be confined to sealed bottles, the evil would be greatly mitigated, but it may well be required that no child shall be supplied with excisable liquor in a licensed house of any description on any pretence.

54. We have only as yet considered the system of grocers' licences from one point of view, but there remains to be considered another class of objections. We have stated that we have received representations from unlicensed grocers of the disadvantage under which they carry on their business in competition with their rivals in trade who are licensed. We received several depositions representing members of the unlicensed trade. They stated that the absence of a licence largely affected their profits; that whereas the profit on ordinary groceries could not be reckoned at more than 10 per cent., that on whisky might be taken at 25; that they failed to obtain and sometimes lost the custom of persons who prefer to buy their groceries and liquors at the same place. One grocer, having a very respectable business, who had formerly held a licence for many years, but who voluntarily resigned it on account of his dislike or that of his family to the trade in liquors, stated that its loss entailed a falling off in his profits to the extent of 25 per cent., which it had taken fifteen years to recover.

55. It was alleged by some who thus complained, that the licensed grocers systematically sold common articles of groceries at or below cost price for the sake of attracting business, and made up the loss by their profits upon spirits; but this was by no means established by sufficient evidence, the cases in which certain articles were specified appearing to be such as a tradesman might make a specialty in his business, and charge upon them a lower profit than usual. There can, however, be no question that the possession of a licence by a grocer gives him a great advantage in business, both by giving to it two branches, of which that of liquor-selling is the more simple and the less hazardous, and in suiting the convenience of customers, in which particular the evidence of both branches of the trade concur, though stated with opposite intentions. Hence the licensing authority has to choose between granting licences to all applicants who satisfy certain conditions, and giving to certain individuals a great advantage over others in the same trade. The former alternative appears to have been adopted in many towns, and it can hardly be doubted that in such cases the liquor trade is by increased competition actively stimulated; whereas, if the public interests and requirements be alone consulted, the effect must be to create a limited and profitable monopoly. The case of publichouse and hotel licences, where a similar choice of policy rests with the licensing authority, is not exactly parallel, as the publican has no other business which may be promoted or depressed by their decision.

56. There remains also the patent fact, urged upon our attention both in the interests of

temperance and by the advocates of the unlicensed tradesmen, that the presentation of strong liquor to customers in their frequent resort to the grocer or provision dealer, coupled with the manifest interest of the tradesman to push the most profitable part of his business, is very likely to operate in the encouragement of indulgence, which in Scotland generally takes the direction of ardent spirits. Indeed, we could not but be surprised at the number of persons who came to state their own unfortunate experiences of the results of such temptation, and we cannot doubt that it is one to which many persons have yielded. At the same time it must be borne in mind that the limited scope of our inquiry precluded us from obtaining any general evidence as to the evils which have been similarly described as arising from publichouses.

57. The question which has to be decided is, whether the combination of the trade of liquor dealer with that of grocer is so inherently bad that it calls for the entire disturbance of a trade which, as we have before observed, is of very old standing, and which has been expressly recognised by Acts of Parliament. It has been shown in evidence that a large portion of the persons engaged in it are accused of no offences, and are among the most respectable and long-established traders in the community. But it appears to us that the combination is fraught with great danger, and has been productive of great evil; and we are inclined to believe that the only perfect solution of the difficulty, or complete cure of the evils complained of, would be the entire separation of the two trades. This separation was strongly urged upon us as advisable by several witnesses of high position and intelligence, such as the late Lord Kinnaird, Mr Smythe of Methven, and, to a certain extent, by Mr D. M'Laren, M.P. It cannot be doubted, however, that there are many difficulties in the way of carrying out such a proposal, and seeing it is probable that those difficulties would prove insuperable, we recommend that other measures should speedily be taken to restrain the evils of which we have reported.

58. It is unquestionably for the interest of the community that no undue temptations should be thrown in the way of the weak or unwary, but the State cannot undertake to guard individuals from the effects of want of principle. It appears, even from the testimony of the chief objectors to the system of grocers' licences, that it is a propensity to self-indulgence that leads to the secret purchase of intoxicating liquors; and it may well be doubted whether the withdrawal of licences from grocers would deter those who have a vicious 'craving' for drink. It is within our own knowledge that in villages where, from the action of local administration, there is no licence held by a grocer, women determined to obtain spirits will obtain articles on credit from provision dealers or other tradesmen, and sell them for a lower sum in order to procure the means of gratifying their inclinations from the publican in the absence of the grocer. All that the law can do, without trenching on the liberty of the subject, is to see that a trade which Parliament has recognised is carried on within the prescribed limits founded on common sense and the consideration of public order. It is to be expected that the influences of education, and a healthy moral tone in the community, fostered by religion and civilisation, will be more effectual than excessively restrictive legislation in leading to improved habits of decency and moderation.

59. It may, however, be worth consideration whether on the one hand the privileges of a restricted trade are adequately earned by the present scale of licences, and whether on the other the penalties for offences against good order at present exacted are sufficient to deter the vicious and unruly. The licence duty payable for the privilege to sell by retail are:—

For Beer, Cider, and Perry—

If rated under £10	£2	10	0
„ at £10 and under £20	4	4	0

For Spirits—

If rated under £10	4	4	0
„ at £10 and under £20	5	5	0
„ 20 „ 25	9	9	0
„ 25 „ 30	10	10	0
„ 30 „ 40	11	11	0
„ 40 „ 50	12	12	0
„ 50 and upwards	13	13	0

We think that, along with diminution in the number of persons to whom licences are granted, the amount of licence duty might be materially increased, and that the lowest scale of licences for the sale of spirits should be abolished.

1065.
35 & 36 Vict.
c. 94, sec. 12.
App.E, p.509.

60. With reference to the penalties exigible for drunkenness, it appears that while in England a person found drunk is liable to a penalty not exceeding 10s., on a second conviction within 12 months to one not exceeding 20s., and on a third conviction within a period of 12 months to a penalty of 40s., and while a person who on any highway or public place is drunk when in charge of a carriage, horse, or steam engine, &c., may be apprehended, and is liable to a penalty not exceeding, 40s., or in the discretion of the Court to imprisonment, with or without hard labour, for a period of one month, a man in Scotland found drunk or incapable in a public place is liable to a penalty of 5s. only, and even if he were in charge of a carriage is liable under the general law to no greater sum. The witness who calls attention to this disparity in the law of England and Scotland, remarks that in the criminal returns from some of the counties of Scotland, it appears that persons found drunk and incapable are seldom or never interfered with, because the 5s. penalty is not recoverable, and the person is generally at a long distance from the prison to which he could be taken. The alternative of imprisonment is only for 24 hours, and to take a man by railway from the place at which he is apprehended costs perhaps 10s., so that it is not worth while to incur the expense for all the length of imprisonment that can be inflicted. We think, therefore, that in respect of persons found drunk and incapable, higher penalties should be enforced.

25 & 26 Vict.
c. 35, sec. 23.
App.E, p.508.

1066, 1200-3,
3703, 3879,
4726.

35 & 36 Vict.
c. 94, sec. 25.
App.E, p.509.
1090.

61. The same witness called attention to the difference between the laws of England and Scotland with respect to the punishment of persons who cause licensed tradesmen to offend. 'There is no provision in the Scotch law for the punishment of the party purchasing, except in the case of "shebeens," or persons falsely representing themselves as travellers; but in England it is different. I remember a remarkable case at Coldstream, where two gentlemen's servants went into a house on a Sunday morning and got drink. The inn-keeper, as soon as he was detected, said at once to the policeman, "I will plead guilty. Don't bring the witnesses, because the masters will know of it." The man was convicted and fined 50s. Had that occurred at Cornhill, on the other side of the Tweed, both the publican and the other two men would have been brought up, and that would have checked them from breaking the law again. Indeed, that is the great blot in our Act of Parliament, because it is only directed to punish the seller of the drink, and not the person who causes the seller to suffer.' (Q.) 'Would you punish the man who buys in a grocer's shop, and who drinks on the premises?' 'I would . . . and that would put a stop to a very great deal of what I observe from the newspapers has been said by previous witnesses about the law being broken over and over again.' It must be remarked that the provision referred to applies only to publichouses in England, and not to spirit grocers. This recommendation has, however, frequently been made to us, and we see no reason why the law of England should not be applied to Scotland also in this particular.

1091-2.

5012-13.
1739, 2028,
5133, 5846,
8268, 8308,
8400.

39 & 40 Vict.
c. 26.

6078.
6309.
8574.

86, 87.

4735, &c.

356.
357.

62. Several complaints of the operation of the Publicans' Certificates (Scotland) Act 1876 were made to us. Its general principle was objected to, on the ground that the Confirming Committee, a minority, have the power to annul the grant of a licence by a majority, which, moreover, consists of persons presumed to possess local and special knowledge of the cases in question. This might occur in many cases in the revision of the decisions of District Licensing Courts; but it was specially mentioned in the case of the City of Edinburgh, which is also a county. There, it was stated by the City-clerk, the Act gives the committee, composed of three City Magistrates and three County Justices, a *quorum* of whom consists of four members, the power of reversing the decision of the whole of the Magistrates, and he represented that the power so exercised was 'unconstitutional.' A contrary objection was made by the Chief Constable of the County of Dumfries, who stated that, owing to the senior Burgh Magistrate being chairman, and having a second vote in the case of an equal division, the action of the County Justices was rendered nugatory to reduce the number of licences. It appears to us that, as regards the discretion of the City or Burgh Magistrates, it is at least sufficiently guarded against arbitrary interference by the possession of a casting vote by one of their own number. The Act in question has been so recently passed that it would be premature to express an opinion as to its results; but it should not be forgotten that it only extended to Scotland provisions which have been for several years in force in England, and that its object was to remedy what was considered the unsatisfactory operation of the former procedure. It was also urged as unjust that the refusal of a new certificate should be final, while the objector, who may be unsuccessful before the Justices, may have his objections heard again by the Confirming Committee; but, for the reasons above stated, we do not think it our duty to express any opinion upon the point.

63. In one particular the Act of 1876 seems to require amendment. The Act provides that a grant of a new certificate shall not be valid unless it shall be confirmed by the Licensing Committee; and in the interpretation clause 'a new certificate' is defined as meaning 'a certificate granted by the competent authority . . . to any person in respect of any premises which are not certificated at the time of the application for such grant.' It is evident that under these words the Justices or Magistrates might (without any confirmation being required) convert every licensed grocer's shop within their jurisdiction into a publichouse, or *vice versa*, which was probably not the intention of the Act. 39 & 40 Vict.
c. 26, sec. 6.
App.E, p.509.

64. It has been represented that unnecessary trouble and inconvenience are caused, especially to wine merchants, by the necessity of an annual application for the renewal of their certificates, and that this should be only required in the event of any complaint being brought against an individual. We do not think that it would be practicable to set up a distinction between members of the same trade in respect of an obligation which is imposed as generally expedient. 2481, 4954

65. With regard to the distribution of liquor through the country by the carts of licensed grocers, it is to be regretted if the effect be, as is stated, to neutralise the efforts of the Justices to limit the opportunities of procuring liquor in their respective districts; but it is impossible to prohibit a practice which supplies the requirements of those who choose to purchase from the neighbouring towns an article probably superior to that which can be obtained in a country district. We think, however, in order to prevent as far as possible the abuse of this legitimate practice by persons really carrying liquor for sale, that all vessels carried in the carts of carriers or tradesmen should bear addresses to the persons by whom they have been ordered, and that the bearer should produce, when called upon by a duly constituted authority, the signed order on account of which the liquor is furnished. See Report,
par. 34.

66. A suggestion made to us anonymously appears to us to be worthy of adoption, viz., that over the door of every licensed house should be printed conspicuously the conditions of the licence as thus—'Licensed to sell wines, ales, and spirits, not to be consumed on the premises.' App.D,p.490.

67. It will probably be expected that we should state the results of our inquiry with respect to the increased or diminished prevalence of drunkenness in Scotland, as it has been freely alleged in many quarters that there has been a relapse in this respect, and by some persons that such relapse has been in great measure produced by the facilities afforded by the licensed grocers. As the statements of witnesses with regard to this part of the question were based largely upon preconceived opinions and impressions, and as even those which were based upon facts within their knowledge had but a limited and local application, we endeavoured to procure, by means of the returns presented in our Appendix B, the means of pronouncing an opinion founded on the most comprehensive summary of facts. The returns for the earlier years are incomplete, and it is somewhat difficult to arrive at a satisfactory conclusion; but the general result seems to show an increase in the amount of drunkenness throughout Scotland; and almost without exception those returns which show an increase in the number of licensed houses give a corresponding increase of cases of drunkenness. This may perhaps in some districts be to some extent accounted for by the increase of population, and in such places the percentage of drunkenness to population may not have increased; but it will be seen that drunkenness has materially increased in other districts where the population has either actually decreased or increased to a very limited extent. In the county of Lanark, in spite of a great reduction in the percentage of licensed houses to the population, drunkenness appears to be on the increase, and is out of all proportion to the increase of population. On the other hand, the return for the city of Glasgow shows a marked decrease in the last two years in the number of persons found drunk and incapable. This fluctuation in the numbers may be accounted for by the dulness of trade and low rate of wages, and is to be noticed in several returns which come from mining or manufacturing districts. Some returns show a decrease in the numbers of licensed houses, but an increase in the amount of drunkenness. In other places where grocers' licences appear to exist to a considerable extent there is a marked increase in the amount of drunkenness. There seems to be a general tendency to reduce the number of licensed houses of all kinds; but this reduction has not as yet tended to a general diminution in the amount of drunkenness or crime throughout the country. App. B, pp.
409, 415, 416,
419, 421, 423,
429, 445, 459,
460, 463, 467,
475.
448.
449.
412, 434, 449.
450, 455, 464,
465.
419, 423, 429,
467, 468.
411, 412, 413,
426, 427, 432,
448, 450, 452,
455, 459, 461,

68. Allegations have been made to us that the liquor sold by licensed dealers is frequently 6388, 6431,
6505, 7384,
7403, 7565,
7891, 8069.

adulterated. It has been commonly said that this is more often the case in respect of liquor retailed by publicans ; but we have been at pains to procure evidence from medical men, professional chemists, public analysts, distillers, officers of the Inland Revenue department, and wholesale dealers, of the truth of such allegations. We have failed to procure evidence in a single instance of any spirits sold for consumption, or discovered in the store of any tradesman, which have been found to be adulterated with any substance foreign or unwholesome, or indeed with any element other than water. The public analysts of Glasgow had tested many samples of spirits kept for sale by publicans and grocers, and had never found any foreign substance but water, which they had discovered in quantities varying up to 33 per cent. The public analyst of Edinburgh gave evidence to the same effect.

69. Whisky as produced by distillers is usually blended by the wholesale dealer with other whiskies, in order to produce a palatable article, the new spirit distilled from raw grain requiring the admixture of malt spirit or other kindred compound to suit the palate. It is also mixed occasionally with cheap foreign spirits, distilled from beet or potatoes, for the sake of the larger profit thereby obtained.

70. It was alleged to us that the spirit retailed by grocers is, by reason of its superior age, more wholesome than that usually sold by publicans ; and some trade witnesses stated that, in their opinion, malt spirit was not fit for consumption for a considerable time, six months, one year, two years, or even three years, till it has thrown off the deleterious excess of fusel oil, or amylic spirit, which it contains in an early stage after distillation. It is well known that whisky becomes softer, and, to the refined palate, more agreeable when it has been kept in the wood for a considerable time ; but we learn that the larger distillers at least employ a process by means of which the fusel oil is extracted from the raw grain spirit during distillation, so that even very new whisky, though to the *connoisseur* unpalatable, is really not abnormally hurtful. It is probable that, when mixed with raw malt spirit for the sake of flavour, it may be drunk sooner than is advisable, the new malt spirit containing a considerable quantity of the amylic spirit ; but we have no reason to believe that any spirit is in common use in Scotland which is in any sense poisonous, although ardent spirits must be unwholesome when consumed in excess, or by persons who have not taken regular meals. It has been stated that the immediate effects of drams of whisky upon working men are occasionally so violent that some deleterious element must be present, but we believe that such effects are no more than may be accounted for by the circumstances of ardent spirits undiluted being drunk by men exhausted by hard labour or fasting.

71. We deem it highly advisable that the powers given to local authorities to appoint public analysts for the inspection of food and liquors kept for sale should be more extensively taken advantage of, for we cannot pretend to have made an exhaustive or comprehensive examination of a question not strictly lying within the scope of our inquiry.

SUMMARY.

72. The following is a summary of the recommendations which we would offer :—

35 & 46 Vict.
cap. 94, sec.
35.
App.E.p.510.
Report,
par. 40.
37 & 38 Vict.
c. 49, sec. 16.
& 17.
App.E.p.511.
Report, pars.
41, 42, 43, 44.

I. That the provisions of section 35 of the Licensing Act (England) 1872, and sections 16 and 17 of the Licensing Act (England) 1874, giving power to the police at all times to enter on any licensed premises, be applied to all licensed houses in Scotland.

II. That the County Licensing Committee and the Joint Committee for the Burgh should be empowered to fix, for a period of years, the *maximum* number of licensed houses for each town, district or populous place, and the *minimum* rent of licensed houses in each county or town, or in each district of a county or town.

III. That the following general provisions be made conditions in granting licences to grocers—namely, That there shall be

Report,
par. 45.

(1.) No internal communication between the licensed premises and the dwelling-house or other unlicensed premises.

(2.) No back or side entrance to the premises.

(3.) No blinding or obscuring of the windows or door.

(4.) No screen or partition within the premises.

35 & 36 Vict.
c. 94, sec. 9.
App.E.p.509.
Report,
par. 45.

IV. That penalties, including forfeiture of licence, as provided in section 9 of the Licensing Act (England) 1872, shall be imposed for making, after obtaining

- the licence, any such alterations in the premises as shall be in breach of the foregoing restrictions.
- V. That no spirits shall be kept within the licensed premises except in bottles or jars, corked and sealed. Report, par. 45.
 - VI. That the provisions of the Licensing Act, England and Ireland, with respect to drinking near the premises be applied to Scotland. 35 & 36 Vict. c. 94, sec. 5, 6, 83.
 - VII. That two convictions of breach of certificate shall involve the forfeiture of the licence, instead of three being required, as is at present the case. Ap. E, pp. 509-510.
 - VIII. That the entry of spirits in any pass-book or account under any other name shall be considered a breach of certificate. Report, par. 49.
 - IX. That the provisions of section 62 of the Licensing Act (England) 1872 with regard to the evidence of sale or consumption of liquor, and also of section 19 of the Public Houses (Scotland) Acts Amendment Act 1862, with regard to the proof of sale in unlicensed premises, be made applicable to charges of alleged drinking on or near the premises of licensed grocers. Report, par. 33.
35 & 36 Vict. c. 94, sec. 62. App. E, p. 510.
 - X. That the penalties imposed by section 5 of the Licensing Act (England) 1872, upon the seller for allowing drinking on the premises, contrary to his licence, be applied to the premises of licensed grocers, and that the purchaser who consumes on the premises shall also be subject to a penalty. 25 & 26 Vict. c. 35, sec. 19. App. E, p. 508.
 - XI. That licensed grocers shall only be permitted to have their premises open between the hours of 8 A.M. and 8 P.M., and with the consent of the licensing Magistrates until 10 P.M. on Saturdays. Report, par. 47.
35 & 36 Vict. c. 94, s. 5. App. E, p. 509.
 - XII. That penalties, as provided by section 9 of the Licensing Act (England) 1874, shall be imposed for infringing the law as to the hours of closing. Report, par. 49, 61.
Report, par. 51.
 - XIII. That no sale or delivery of spirits to a child under fourteen years of age shall be lawful in any description of licensed house on any pretence. 37 & 38 Vict. c. 49, sec. 9. App. E. p. 511.
 - XIV. That the rate of licence duties be raised, and the lowest rate abolished. Report, par. 53.
 - XV. That penalties be imposed for being drunk, in a public place, or when in charge of a carriage, horse, or steam engine, similar to those exigible in England, and that the present penalty of five shillings for being found drunk and incapable be increased. Report, par. 59.
35 & 36 Vict. c. 94, sec. 12. App. E. p. 509.
 - XVI. That all articles of excisable liquors conveyed in carts shall bear the addresses of the persons by whom they have been ordered, and that the person in charge shall be bound to produce, when called upon, the signed order therefor. 25 & 26 Vict. c. 35, sec. 23. App. E, p. 508. Report, par. 60.
 - XVII. That over the door of every licensed grocer, the conditions of the certificate shall be conspicuously printed. Report, par. 65.

All which we humbly submit to your Majesty's gracious consideration.

JAMES FERGUSON.
A. CAMPBELL SWINTON.
PETER M'LAGAN.
JAS. ARTHUR CRICHTON.
WM. FERGUSON.

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GROCCERS' LICENCES COMMISSION.

MINUTES OF EVIDENCE.

EDINBURGH, THURSDAY, 4th OCTOBER 1877.

Present:—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSON.

Sir JAMES FERGUSSON IN THE CHAIR.

1. WILLIAM SKINNER, Esq., examined.

1. *The Chairman*.—You are city-clerk of Edinburgh?
—I am.

2. For how many years have you been so?—Since January 1874. I was a member of the Town Council of Edinburgh from 1862 to 1871; one of the magistrates for six years during that period, and a justice of the peace for the city since 1865.

3. Will you be so good as to give the Commission a short account of the law applicable to the sale of spirits not to be consumed on the premises?—Previous to the passing of the Act 16 & 17 Vict. cap. 67 (1853), known as the Forbes Mackenzie Act, the provisions of law applicable to the sale of spirits by grocers were identical with those for keeping common inns and ale-houses. By said Act (Sections 1 and 2), licences to persons for selling groceries and provisions are limited, in so far as, by Section 1, no certificate is to be granted for the sale of excisable liquors to be consumed on the premises. Section 2 provides that persons obtaining a grocer's certificate may retail excisable liquors, but not to be consumed on the premises. By Section 4 of said Act (1853) the power of granting one general certificate, under Section 7 of Geo. IV. cap. 58 (Home Drummond Act), 1828, is modified, and separate certificates are required for the sale of ale, &c., and of spirits, &c. By Section 3 of 25 & 26 Vict. (1862) cap. 35, the power of granting one general certificate for the sale of ale, &c., and spirits, &c., is again restored. Section 5 of 16 & 17 Vict. cap. 67 (1853) provides that no certificate shall be granted for the first time until the premises have been inspected and reported suitable. By Section 13 of the last recited Act (1853), power is given to the police to enter licensed premises where it is believed excisable liquors of any kind are being unlawfully trafficked in. Section 14 of 9 Geo. IV. (1828) cap. 58, provides as to appeals to Quarter Sessions against the decision of the magistrates in granting or refusing certificates, and it may be here mentioned

that that Section is still the only rule under the four statutes with the exception of Section 5 of 39 and 40 Vict. cap. 26 (Cameron's Act, 1876) which enacts that there shall be no appeal against the decision of the magistrates refusing any application for a new certificate for new premises, such proceeding being final. The granting or refusing of any renewal of a certificate falls under the former (1828) law, with power to appeal to the Quarter Sessions as before mentioned. Section 8 of 39 & 40 Vict. (1876) cap. 26, provides that all new certificates granted by the magistrates shall be confirmed by a joint committee of the magistrates of the burgh and the justices of the peace of the county; and it may be added, that there is no appeal in the case of this joint committee refusing to confirm; otherwise the law of appeal remains in force as formerly.

4. By the Act of 1862 was there not a change in regard to the hours of opening and closing?—Grocers are not allowed to open before 8 o'clock in the morning.

5. Previous to the Act of 1862 they could open when they pleased, could they not?—I am not aware.

6. *Mr Campbell Swinton*.—Previous to the Act of 1862 there was no restriction as to the hour of opening?—I think not.

7. *The Chairman*.—By the Act of 1862 the hours during which they are permitted to sell spirits were made the same as those of the public-houses?—That is so, as I understand.

8. *Sheriff Crichton*.—By the Act of 1853 a grocer was allowed to open his shop for the sale of spirits at 6 o'clock in the morning?—That is so.

9. *Mr Campbell Swinton*.—And by the Act 1862 he was prohibited from selling spirits before the hour at which a publican can sell spirits, but there was no restriction as to when he could open his premises for the sale of other things?—Quite so.

10. *Sheriff Crichton*.—Am I right in saying that by the Act of 1853 a grocer could keep open his shop for the sale of spirits from 6 to 11?—Yes.

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11. And by the Act of 1862 he was restricted to the hours from 8 to 11, so far as the sale of spirits is concerned?—Yes.

12. There is no restriction on a grocer opening his shop at any hour for the sale of other commodities?—None.

13. *The Chairman*.—Can you give the Commission a statement of the licences held by hotels, public houses,

and grocers respectively, in the city of Edinburgh during successive years?—The number of certificates granted at Whitsunday 1854, and the number which came into force at each subsequent Whitsunday up to, and including, Whitsunday 1877, is as under, as appears from the register kept by me.

Number of Certificates for the Sale of Excisable Liquors, which came into force at Whitsunday 1854, in virtue of the "Act for the Better Regulation of Public-Houses in Scotland," and Number which came into force at each subsequent Whitsunday.

	1854	1855	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876
Inn or Hotel Keepers,	47	47	52	50	51	50	47	48	47	45	43	45	44	41	43	39	39	42	43	43	45	44	47
Public-House Keepers,	511	424	393	352	350	350	348	340	332	339	345	347	357	358	354	353	352	358	354	351	350	349	347
Spirit-Dealers or Grocers,	326	358	351	351	336	345	358	357	362	373	389	402	420	430	436	442	446	468	475	490	491	483	485
Totals, . .	884	829	796	753	737	745	753	745	741	757	777	794	821	829	833	834	837	868	872	884	886	876	879

14. What was the number granted to grocers in 1854?—In 1854 there were 326 certificated grocers; and in 1876, 485.

15. That is the total number of licences held by grocers?—Yes.

16. What was the number in 1877?—480.

17. What was the number of hotel licences in 1854?—47; and in 1876 the same number. And of public-houses the number in 1854 was 511; and in 1876, 347.

18. Would you state the population at these two dates?—In 1851 it was 160,302; and in 1871, 196,979.

19. Has that apparent reduction in the number of licensed houses taken place from the policy of the magistrates?—I think so.

20. Has it taken place upon a regular system, or only on a rule of reducing the numbers as far as possible?—I think on the rule of reducing the numbers as far as possible.

21. Would you give the Commission the number of convictions obtained for breach of certificate by grocers?—The total number of grocers convicted for breach of certificate for the period from 1854 to 1876 is as follows:—in 1854, 10; 1855, 34; 1856, 13; 1857, 11; 1858, 3; 1859, 23; 1860, 8; 1861, 9; 1862, 8; 1863, 9; 1864, 15; 1865, 4; 1866, 6; 1867, 5; 1868, 20; 1869, 5; 1870, 9; 1871, 6; 1872, 6; 1873, 6; 1874, 7; 1875 6; 1876, 5.

22. The number then has been very small?—Very small.

23. *Sheriff Crichton*.—And the number of convictions is being reduced?—Yes, very much.

24. Is the tendency to diminish?—It is.

25. *Mr Campbell Swinton*.—Comparing the Old and the New Town of Edinburgh, does the number of grocers' licences in the one part and in the other bear any proportion to the population?—I never made any calculation of that kind.

26. Are the licensed grocers more thickly studded in in streets in the Old Town than in the New?—I think in some of the poorer districts, such as the Canongate and Cowgate, there are a great many small grocers.

27. *The Chairman*.—The numbers you have given show that the number of public-house licences has been greatly reduced, and the number of licensed grocers has been increased in an inverse ratio?—Yes.

28. *Mr Campbell Swinton*.—There is no law, I believe, as to the amount of rent or value of premises entitling a man to a licence?—No, there is not; but I think that would be a very proper element to take into consideration, as well as the cubic space.

29. Do the magistrates take into consideration the rent or value and the size of the premises in granting licences to grocers?—I think they do, generally.

30. *Sheriff Crichton*.—They consider the suitability of a grocer's premises in the same way as they would consider the suitability of a publican's premises?—Yes.

31. *Mr Campbell Swinton*.—Looking on the amount of rent as a rough test of the respectability of the man, I suppose?—Quite so.

32. *Mr Ferguson*.—Before new licences are granted,

is there a report on the house as to these particulars?—Yes, every house is visited by the magistrates, and a written report given in as to its suitability, and the character of the applicant; and if there is no writing on the application, signed by the magistrate, it is not entertained by the Licensing Court at all.

33. *The Chairman*.—Have you seen a printed table framed by Mr Clark of the licensing department in your office, showing in great detail the points which I have been asking you about?—Yes, I have seen that. (App. D, p. 505.)

34. The general effect of that appears to be that comparing the years between 1854 and 1876, the population having increased from 162,000 to 211,000, the total number of certificates granted being about the same, the proportion of population to licences has been largely increased, that is to say, there has been a smaller number of licences in proportion, while the number of grocers has very largely increased in proportion to the public-houses?—Yes.

35. The number of persons apprehended for crimes connected with drunkenness has not increased in proportion to the population?—No, it has not.

36. The number of persons found drunk and incapable has decreased by more than 50 per cent?—That is so.

37. The percentage of population apprehended for crimes is about the same?—Yes, during the whole period.

38. The percentage of the population drunk when apprehended is about the same?—Very much about the same.

39. And the number of those found drunk and incapable on the streets has largely decreased?—It has.

40. If the intended deduction from this table is that such decrease in certain forms of crime has been simultaneous with the reduction of public-houses and the increase of grocers' licences, it would so appear, would it not?—It would so appear.

41. There are no exemptions in respect of hours granted to licensed grocers, similar to those allowed at the option of the magistrates for public-houses?—None whatever.

42. Is it within your knowledge that the sale of spirits by grocers in open vessels takes place extensively?—Not to my knowledge at all. I know nothing personally of it.

43. Nor by official report?—No. The magistrates may be able to speak to that, but personally I cannot.

44. Have you on the part of the Magistrates or Council of Edinburgh any decided opinion to offer as to the effect of the existing law, or any amendments to suggest with regard to it?—It occurs to me that no certificate should be granted for premises unless their cubic space reached a certain minimum standard. What that standard should be I don't know; but that would have the effect of abolishing a considerable number of existing licences where the premises are very small and unsuitable.

45. Is it the opinion of the magistrates of Edinburgh that it would be desirable that the licence to sell spirits should only be granted to grocers occupying superior

premises?—That is a mere suggestion of my own. It is my own opinion.

46. And you are not prepared to say what would be a proper limit?—No.

47. Would you offer any suggestion as to the position of the premises in respect of back accesses and so forth?—We don't allow any back accesses in Edinburgh at all.

48. *Mr Campbell Swinton*.—Neither to public-houses nor grocers?—I don't think so. I think it is a general rule that no back accesses are allowed to any shops that are licensed. That seems to be a condition of granting the licence.

49. *Sheriff Crichton*.—Applicable to grocers and publicans?—I cannot say that it is an absolute rule as to all grocers, but it is an absolute rule as to publicans. But even in the case of grocers, back or side entrances are very much deprecated by the magistrates.

50. *The Chairman*.—It is said that the law is evaded in respect to the consumption of liquor on the premises by the interior not being readily visible from the street, owing to the glass being clouded, or something of that sort. Have you anything to say on that subject?—The magistrates of Edinburgh have made it their study for several years past to make every public-house as patent to the public as possible.

51. But I speak of the licensed grocers' premises?—There is no rule about that.

52. Your attention has not been called to the desirability of all premises where spirits are sold by retail being readily visible from the outside?—My attention has not been officially called to it, but privately I am decidedly against side entrances. I think decidedly they should not be allowed, even in the case of grocers.

53. *Mr M'Lagan*.—Is any communication between a grocer's shop and dwelling-house allowed?—It is allowed.

54. *Sheriff Crichton*.—There is no restriction as to that?—None. It is very desirable that the house and shop should be disconnected.

55. That is your view?—That is my view.

56. *Mr M'Lagan*.—But there is no restriction by law?—No.

57. *Sheriff Crichton*.—Have the magistrates directed their attention to that?—As a rule they object to it, but there is no law against it. I think they have a discretion as to giving a licence where the house and shop are together; but there are many such cases existing in Edinburgh.

58. *The Chairman*.—Do the police report as to the character of the applicant for a licence?—Yes, they always do. The police are present at the Licensing Court, and Mr Linton, the superintendent, is ready to give information, and states in his report the character of every applicant.

59. You said it was desirable that the premises and the dwelling-house should be quite separate?—I think so.

60. You don't mean that they should not be under the same roof?—I would not require that, but I think they should be entirely separate,—that there should be no communication between the shop and the house.

61. *Sheriff Crichton*.—Why do you say that?—Because it affords the means of dealing in spirituous liquors.

62. And evading the law?—And evading the law.

63. *The Chairman*.—Would you require that there should not be a door at the back of the shop, leading into the dwelling-house?—Most certainly. The magistrates need not grant a licence unless upon that condition.

64. Are you aware, or have you been informed, that abuses occur in and about the city of Edinburgh by grocers sending out spirits in their carts?—By hawkers, —I am not personally aware of anything of that kind.

65. Do you think that in the city of Edinburgh there are many grocers in a small way whose business depends chiefly upon the sale of spirits?—No, I am not personally aware of that either.

66. What is your opinion, in the interest of the public, as to the purchase of spirits in small quantities

from grocers or from publichouses? Do you think that the one practice is more conducive to good order than the other?—I think it is very wholesome that the grocers should have a licence to retail spirits in small quantities. I think it has the effect of keeping respectable females from going to a publichouse, where they would meet with greater temptations. If people will have it, they must have it; and I am under the impression that it is better that grocers should have the power of selling small quantities of spirits.

67. If it be intended in the public interest to restrict the sale of spirits, is it increased or diminished by having the power of purchasing for consumption off the premises?—I don't think it is increased.

68. You don't think it is stimulated?—No, I think not.

69. *Mr Campbell Swinton*.—Do you give the same answer whether the small quantity is sold by grocers in an open vessel or in a closed bottle? Do you think no evil follows from grocers selling small quantities in open vessels?—I don't think it is politic that they should have the power of selling it in open vessels. I think it should be sold in corked bottles.

70. *Mr M'Lagan*.—What would you call a small quantity?—A pint bottle.

71. That is much more than they are allowed to sell now?—It is more.

72. *Mr Campbell Swinton*.—You would not allow them to sell less than a pint bottle?—I am not speaking officially, but as a private individual. I think a pint bottle should be about the least that a grocer should be allowed to sell.

73. *Mr M'Lagan*.—Of all kinds of spirits?—Of all kinds of spirits.

74. *The Chairman*.—Is there any other information you can give us?—There is no system adopted by the local authority of Edinburgh for the limitation of the number of licences, other than that the magistrates, in the case of an application for a transfer, visit the premises for the purpose of ascertaining whether they are still suitable, and cause a certificate to be produced, signed, either by two respectable householders, paying each not less than £20 of rent, or by one such householder, and an elder or other office-bearer of the congregation to which the applicant belongs; such persons not being the owners of the premises or dealers in excisable liquors. In the event of this regulation being satisfactory, and having due regard to the nature of the transaction between the applicant and the certificate holder, the transfer is generally, though not always, granted. Frequent applications for transfers of certificates for the same premises, indicating the nature of trafficking in certificates for the purpose of gain, is looked upon by the magistrates with suspicion, and the transaction is narrowly investigated. A similar certificate as to character, as above mentioned, is also required when a new certificate is applied for. The magistrates are averse to granting two or more certificates to one person.

75. *Sheriff Crichton*.—What certificate is given to the large bakers and confectioners?—The same as to grocers.

76. Do they get a grocer's certificate?—Yes.

77. Such as Mr Blair in George Street and M'Dowall?—Yes.

78. *Mr Campbell Swinton*.—Are you sure of that?—Do they not get a public-house certificate?—Yes, a public-house certificate.

79. The large confectioners such as Blair and Aitchison have just public-house certificates?—Quite so.

80. And accordingly they cannot sell uncooked provisions to be taken off the premises?—No.

81. *Mr Ferguson*.—Does their certificate allow them to sell wholesale also?—No.

82. *Mr M'Lagan*.—We have heard it stated that there has been an increase of private drinking, or drinking at home. Is that consistent with your knowledge?—I am not aware.

83. You are not aware of there having been any increase of drinking among families?—I know nothing of that either personally or officially.

84. You have stated that a person who will have drink will manage to get it. But suppose a woman

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85. It is more respectable to send to a grocer's than to a public-house?—I fancy so.

86. Do you think that the dread of losing her respectability will not be so great as to prevent her sending to a public-house?—I think so. As to any further suggestions, I would submit that the clauses in the Act 39 & 40 Vict. cap. 26 (the Cameron Act), providing that a grant of a new certificate shall not be valid unless it shall be confirmed by the joint committee of the burgh, should be repealed, in respect such a provision gives this committee (a quorum of which consists of five members) the power of reversing the decision of the whole magistrates—thus giving the minority the power over the majority. This provision is therefore, it is thought, unconstitutional.

87. *The Chairman.*—That power of reversal in the case of counties is in a committee of the magistrates of the whole county reviewing a decision of local justices, is it not?—I don't know as regards counties; but in the county of the city of Edinburgh there are three magistrates and three justices of the peace of the county of the city, who constitute the joint committee, and five of these overturn the unanimous judgment, it may be, of the magistrates of the whole city.

88. That is the peculiarity in the case of a place where there is only one licensing body; so that your observation would be applicable to a town, but not to the operation of the Act everywhere?—Not everywhere. I speak of the effect of it merely in a place like Edinburgh.

89. Then this appellate tribunal is elected by the whole body of magistrates?—The whole body of magistrates elect three magistrates, and the justices elect three justices.

90. And the body whose decisions they review is fluctuating: it is contingent on the chance of attendance?—No, the decision which they review is the decision of the magistrates.

91. Who happen to be present?—They are mostly always present at every licensing court. The Lord Provost and the six bailies are, I may say, almost always present, and they are the parties most interested in the welfare of the city, and they may be supposed to know more of Edinburgh than other persons.

(See also App. D, pp. 504, 505.)

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92. *The Chairman.*—You are member of Parliament for the city of Edinburgh?—I am. Will you allow me to say that I have been a good deal at a loss as to the nature of the evidence which I am to give, not being aware of what you consider the scope of your Commission, or how far things which I might consider of importance you may regard as extraneous. I have put down a number of points on which I have a good deal of information, and perhaps the best course would be for me to mention these, and if the Commissioners will state on which they wish me to speak, I can pass over the others; or if there is any programme which you wish me to speak to, I shall be happy to do so.

93. With regard to the scope of the Commission, I may state that we are appointed to inquire into the laws regulating the sale and consumption of excisable liquors sold not for consumption on the premises, and to report whether in our opinion any alterations, and if so what, ought to be made in these laws; that is to say, we are confined to the subject of grocers' licences. Of course that would not exclude the Commission from receiving evidence as to the state of public morals in respect of drink, because that would be more or less attributable to the operation of these laws, but we are not supposed to go into the general

question of licences for the sale of intoxicating liquors. We understand that you have taken a great interest in this question, and perhaps you would prefer to make your own statement?—I will name the points on which I have been making inquiry and am prepared to speak, and if the Commissioners think any of them are extraneous I will drop them out. I have analysed the Acts as showing that grocers were specially referred to in these Acts,—that this was a grievance requiring to be strictly limited. 2. This suggests the parts of the Acts that are practically disregarded,—practically in abeyance. 3. Grocers' licences have been increased in place of being diminished, as intended by the Acts. 4. In this city grocers' licences have been largely increased. 5. Largely in the low neighbourhoods. 6. Comparing the decrease in Edinburgh and Glasgow under the Acts with the increase of population,—that I think is an interesting comparison. 7. The cheap rates for bottles of spirits, showing that limiting it to quart bottles would not suffice. 8. Large increase in British and foreign spirits imported and consumed. Perhaps the Commissioners would allow me to state that at one period I was strongly in favour of limiting the right of grocers to selling quart bottles, but having studied the question very carefully I have now got beyond that, and I am satisfied that although this would be a great palliative it would be no real cure for the evil; and I am against grocers being allowed to sell spirits at all, but I am for allowing them to sell ale and beer and wine.

94. I think there is no doubt that all the heads which you have mentioned are strictly within the scope of our inquiry, and if you will be so good as to address yourself to these points we will be very happy to hear you?—Then perhaps you will allow me to say that as the evidence which I am about to give will probably be very narrowly scrutinised by a powerful interest in this city, and will probably be replied to, I have brought with me the official documents—Acts of Parliament and Parliamentary papers from which the evidence I am to give is taken, and I should like to have the opportunity of referring to them in order that the statements which I make may appear to rest not on my own assertion, but on those public documents. The first Act to which I refer is the Home Drummond Act, 9 Geo. IV. cap. 58, and by the second section of that Act meetings of magistrates are to be held to grant licences to keep 'common inns, 'alehouses, or victualling-houses' for spirits, &c., 'to be drunk or consumed in the premises in which the same 'is sold.' There is therefore no intention in that Act to license grocers at all. It was merely to license common inns, ale-houses, and victualling-houses for spirits to be drunk or consumed on the premises in which the same is sold; and in opposition to a common fallacy, I may state that the Act is very plain that the magistrates are to grant licenses only to 'such and so 'many persons as they shall think meet and convenient' (sec. 7). The public interest is to be considered, and not the interest of the applicants. By Section 11, the magistrates are to make rules for ascertaining the character of applicants, and also to consider 'whether 'it be expedient to grant such certificates in the places 'in which they are sought to be obtained.' Now I contend that very many certificates are granted in places where they are most pernicious. By Section 13, the magistrates are prohibited from acting as justices where they have any personal interest as proprietor or tenant of the premises for which the licence is sought, or where they are connected with the trade as brewers or distillers. Now I lay much stress on the word 'victualling-house,' which occurs frequently in the Act, as showing that a mere seller of spirits was not intended, but that the seller was expected to provide food as well as drink for the parties resorting to it. The word occurs over and over again in the Act, in various clauses; and Schedule B of the certificates is very explicit on that point where 'victualling-house' occurs; and to show that this expression is meant in the ordinary sense of the word, it goes on to refer to the sale of 'victuals.' It further goes on to require

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that the licensed person 'do not fraudulently adulterate the bread and other victuals' &c. I merely wish to show that there were no grocers within the purview of this Act at all,—that they were all persons who were to sell victuals to be consumed on the premises as well as drink to be consumed on the premises. That was the object; and the preamble states that the licences are to be for spirits 'to be drunk or consumed on the premises in which the same is sold.'

95. *Mr Campbell Swinton*.—Was it the practice at that time that grocers did sell spirits without a licence?—Not without a licence. They got a licence as a public-house. There was only one form of licence issued.

96. *Sheriff Crichton*.—There was no distinction between inns, publichouses, and grocers' shops?—But my contention is that there were no grocers' shops allowed by law at that time, but only publichouses, alehouses and inns or hotels.

97. *Mr Campbell Swinton*.—Do you think it was an evasion of the law to give licences to grocers?—Yes; that there was no legal right in grocers to have licences under the Home Drummond Act at all.

98. Unless they were victuallers?—Yes. Then the Forbes Mackenzie Act (16 and 17 Vict. cap. 67, 15th August 1853) is very explicit in showing that the Legislature intended, if possible, to prevent the evils which had arisen from grocers obtaining licences in the manner I have already described. The preamble narrates that 'great evils have been found to arise from the granting of certificates for spirits, wines, and excisable liquors to be drunk or consumed on the premises, to dealers in provisions and other commodities; and it is expedient that a remedy be applied to such evils,' &c. Now my contention of course is, that Parliament was well aware that grocers did obtain licences which, legally and technically, they had no right to obtain, and that they intended to put a stop to, or at least modify, that evil in the way that the provisions of the Act afterwards followed out; in short, that the object of the Forbes Mackenzie Act, as the preamble shows, was mainly directed to the evil that arose about grocers' licences. The first section enacts that no licences shall be granted for spirits to be drunk or consumed on the premises, in terms of the said recited Act, unless on the express condition that no groceries or other provisions to be consumed elsewhere shall be sold in the house or premises, &c. And Section 2 establishes grocers for the first time as legally qualified to obtain licences for spirits, &c., but not to be consumed on the premises. It refers to the schedule, and the schedule is entitled for 'dealers in spirits,' 'and grocers, and provision dealers, trading in spirits.' The schedule prohibits the sale of spirits, &c. 'to be drunk or consumed on the said premises.' These are the conditions on which grocers for the first time, legally and technically, obtained the right and licence, to sell spirits at all.

99. *The Chairman*.—In fact, the Act set up a distinction between houses of public entertainment and shops for the sale of eatables and drinkables?—Precisely. I have made an analysis of the whole Act, but a great number of the provisions have nothing to do with this inquiry, and I pass them over. By Section 5, premises are to be inspected and reported on before certificates are granted. That applied to grocers as well as others: and there are several other provisions of that kind. I know as to the intention of this and other parts of the Act, from recollection, for I was chief magistrate of this city at the time, and took a great interest in these questions, although I was not one of the deputation in London—I mean in obtaining the Act and making its provisions workable. By Section 15 bartering or selling spirits is prohibited without a certificate. That was thought at the time to be a great evil, and I am happy to say that as far as I know it has been put down by the stringent clause in that Act. Again the 'victuallinghouse' is described in Section 17. The publichouse certificate prohibits publicans from selling 'any groceries or other provisions in

'the said house or premises to be consumed elsewhere.' EDINBURGH.
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That is the first prohibition of the kind, and it is evidently to 'redd up the marches,' as one may say. Let the grocer be a grocer, and let the publican be a publican. Let each of them keep to his own trade: publicans shan't sell groceries, and grocers shan't sell spirits to be consumed on the premises.

100. What do you believe to have been the object of prohibiting licensed victuallers from selling provisions not to be consumed on the premises?—Just to make the two trades separate and distinct; that there should be no mistake. The words I have read are very clear, I think, and there are corresponding words applicable to the grocer. Section 2 of the Act 25 & 26 Vict., provides that if the magistrates deem it inexpedient to grant the particular certificate applied for, they may grant any other. Now I think this provision has done a great deal of mischief. The magistrates are asked for a publichouse licence; they say 'No, we shan't give you that, but we will give you a grocers' certificate.'

101. *Sheriff Crichton*.—Which statute are you referring to?—Section 2 of the Publichouse Amendment Act of 1862. That Act was framed chiefly by Mr Mure, M.P. (now Lord Mure), after he had ceased to be Lord Advocate, and by Lord Kinnaid; and the Parliamentary solicitor whom they employed was Mr Wardlaw; and as I was supposed to have a good deal of practical knowledge on the subject, I was asked by them to go to London and assist in the framing of the clauses; and I did go there on my own account, and remained several days, and worked in Mr Wardlaw's office, endeavouring to give effect to the knowledge which I happened to have acquired from local experience. Therefore I know not only what the Act says, but I know the intentions of Lord Mure and Lord Kinnaid, the parties who framed the Act and carried it through Parliament. I was going to say that when the magistrates refuse a publichouse licence, very often some soft-hearted magistrate says—'Oh! we will give him a grocer's licence: that can do no harm;' and hence a grocer's licence is substituted, and another, and another, and another; and in this city the number of grocer's licences has very largely increased.

102. Although no application was made for a grocer's licence?—Quite so,—in many cases.

103. *Mr Campbell Swinton*.—Then, you think that was a mistake in this clause?—Yes.

104. An oversight on your part, and Lord Kinnaid's, and Lord Mure's?—Yes. It was done with a good intention; but like many other good intentions, it has not turned out well. This Act has several other good provisions as regards publicans and grocers. It required that all applications for new licences should be published in the newspapers. That has had a beneficial effect. It affords to persons in the neighbourhood an opportunity to object if they think fit, and to be heard before the magistrates. The Act also gave extensive powers to the superior officers and police to visit temperance hotels and steam-boats, and all places where spirits might be supposed to be sold, where no licence existed; and it authorised ordinary police officers also, with written instructions. In the case of grocers there is a peculiar expression used—namely that 'where the officer has reason to believe that a breach of certificate is being committed.'

105. *Sheriff Crichton*.—You refer now to the latter part of Section 13, do you not?—Yes. In the case of grocers, they may visit without written authority only where the officer has reason to believe that a breach of certificate is being committed.

106. *Mr Ferguson*.—Can you tell us whether that has been an advantage? Has it been much acted upon?—No, I am not aware that it has. My impression is, and the general impression in this city is, that the police supervision is exceedingly lax.

107. *Mr Campbell Swinton*.—You apply that observation, do you, both to publichouses and to grocers?—More to the grocers than the publichouses. The publichouse seems to be fair game for the police; and the grocers a more reserved sort of domain.

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108. And, besides, there is this difference, is there not, that the policeman can go into the publichouse at any time; whereas, in the case of the grocer, he must have reason to believe, that a breach is being committed?—Yes, or that the Act is being evaded.

109. *The Chairman*.—You propose to speak next to the parts of the Act you consider to be in abeyance, do you not?—Yes. I pass over a great deal I have here. I have analysed the whole Act, and many things are not of importance. In answer to a question put at an earlier stage, I refer to Section 14. The superintendent of police, on the first lawful day of each week, is to transmit to the procurator-fiscal appointed by the magistrates of the burgh, the names of licensed persons from whose houses 'persons in a state of intoxication' have been frequently seen to issue, and this report is 'to be afterwards brought before the Licensing Court.' Thus the superintendent has to give a list to the magistrates for the purpose of the parties being brought before the Licensing Court. Now, I believe this is practically in abeyance. I have not observed any such cases in the newspapers (and I generally read these things carefully), in which a publican has been called to account because drunken men have issued from his house,—publican, grocer, or anybody.

110. In regard to that point with reference to grocers, you would not be content to assume from the fact of no persons being reported as coming from the grocers' shops in a state of intoxication, that there was no drinking there?—No, certainly not. Your remark is all the more important when you consider the enormous number of such cases that occur in this city. Last year, as appears from the police return of Mr Linton, there were 2311 picked up on the streets drunk and incapable, and taken to the police office; and there were 4803 taken up for crimes or offences against the Police Acts, who were drunk when the crimes or offences were committed, making a total of 7114 persons who must have issued from some house; and we don't know—at least I don't know—of any of these houses ever having been reported to the magistrates; and on inquiring at the Council Chamber whether any such reports existed, I find that none such have ever been made.

111. *Sheriff Crichton*.—Do you think that provision should be enjoined?—Clearly. There's no use making laws of that kind unless they are to be enforced.

112. *The Chairman*.—You have no ground for an opinion that those persons found drunk had become drunk in grocers' shops?—No; I have no means of knowing where they came from. If the report had been made to the magistrates, then the public would have known where they came from, but as no report has been made, no man can tell where the drunkards came from; they may have come from their own houses. Then with reference to Section 16, I may say that it has been a very useful provision against hawking spirits. I think it has succeeded in putting one branch of that trade down.

113. *Mr Campbell Swinton*.—You really think it has succeeded, do you?—So far as I know it has. Hawking was at one time a very extensive business, particularly in Glasgow.

114. *Mr Ferguson*.—Have you any information as to the state of things in the country—I mean with reference to grocers sending out spirits in travelling vans?—No, I have not. I know that such a practice exists, but there was a much smaller kind of hawking than that carried on at that time, and that smaller kind this Section was also intended to strike at. People went about with a bottle under their cloak, took a person into a common stair, for instance, and sold a glass in the stair. All that sort of minute hawking went on, and I believe has now been stopped.

115. *Mr Campbell Swinton*.—You think this clause has stopped that, do you not?—I do. Clause 19 was also very useful in the suppressing of shebeens, and it gave very large powers. Another provision of the same kind was made with reference to persons falsely representing themselves to be *bona fide* travellers, and going to get drink on Sunday anywhere. They were

made liable to be fined. I have not heard of any proceedings taken against this class. Harboring constables on duty, whether in grocers' places or public-houses, is also mentioned as an offence, and it is said that the portion of the Act referring to that offence is much evaded in this city.

116. *The Chairman*.—Have you any reasons to believe that policemen on duty are harboured in grocers' shops?—The general impression is that policemen are treated by grocers as well as by publicans.—If you ask me if I have any personal knowledge in regard to that I say no. I have no personal knowledge of any of these offences at all—not any more than that of the reader of the newspapers and an occasional attender at the Justice of Peace Licensing Court.

117. Have there been any reports or distinct allegations against individual policemen resorting while on duty to grocers' shops for the use of spirits?—I have stated that there is an almost universal opinion that they are treated by grocers as well as by publicans. I must repeat, that if you ask me—Have I any personal knowledge of that? I say distinctly, No. I have now gone over the Act; and proceeding to the schedules,—Schedule 2 implies, as in the former Act, that publichouses are intended to supply cooked victuals as well as spirits, ale, &c. Thus the party licensed 'shall not fraudulently adulterate the bread 'or other victuals' &c., sold by him, and 'do not use 'false weights.' It then goes on to say, 'and do not 'sell any groceries or other uncooked provisions in 'the said house or premises.' The word 'uncooked' was not in the former Act. This condition again enacts perfect equality in the spirit of the restrictions imposed, respectively, on publicans and grocers—that the one may not encroach on the legitimate business of the other. The publican is to have a monopoly of supplying all drinks consumed on the premises, but must not sell tea, or sugar in bulk, or bread, or ham, or other uncooked provisions, because that would be an interference with the trade of the licensed grocer, or provision dealer. On the other hand, the grocer must not sell liquors to be consumed on the premises, because that would be an interference with the legitimate trade of the publican, besides being an evil in itself. The words of the grocers' certificates are deserving of notice—that he 'does not traffic in or give' (observe the word give) 'any spirits, wine, or other excisable liquors to be drunk or consumed on the same premises,' and do not barter drinks for clothes, &c. Now at the time this Act was being framed it was stated, and very generally believed, that grocers were in the habit of giving a glass of whisky to servant girls and the wives of workmen who came to their shops. They did not sell it, but gave it as an inducement for them to continue their trade, and the words 'traffic in or give' appear for the first time in this Act. The general opinion is that this prohibition is totally disregarded at the present time, and that grocers do give a glass of spirits—I won't say whether to a great or a small extent; I have not the knowledge; but it is known that they do give it.

118. You have not yourself, have you, from any reports made to you, been able to verify those rumours?—I have no doubt I could verify them if it were my duty, but I have not laid myself out for that.

119. You are quite certain, are you, that there is such a rumour?—More than a rumour; there is a general belief, and if the Commissioners examined the two framers of the Act, Lord Mure and Lord Kinnaid, they would be able to tell how strong that opinion was at the time, and how anxious they themselves were to prevent the continuance of the practice. In Schedule 2 there is an important provision that did away with a certain fallacy. It was supposed when a magistrate reported that a house was suitable in its construction and other respects for any licensed grocery or public-house that such a report implied that the party should get the licence. Now this Schedule says that although the report should be that 'the same are of suitable 'construction and accommodation for the purposes 'applied for,' yet 'reserving to the justices (or magis-

'trates, as the case may be) to determine whether it be meet and convenient to grant the certificate applied for.' I have now gone through the Acts and the Schedules. The only other thing is the little Act passed last Session at the instance of Dr Cameron, appointing a joint committee.

120. You have been making those references, have you not, with a view to important deductions?—Yes.

121. Do you wish us to understand that, by reason of the failure to apply the Act in these particulars, an unfortunate increase in drinking habits has been stimulated?—Yes, I wish you to understand that such is my opinion.

122. Resting on positive grounds, I suppose?—Yes.

123. Could you give us some idea of the ground on which that opinion is based?—At a part of my evidence I shall refer to the multitude of houses in low neighbourhoods, and that I think will show my grounds. I have not yet arrived at that stage. The Act of Dr Cameron merely appoints three justices along with three borough magistrates, to review the new licences granted by the magistrates. I may state that in this city last year there were nine new certificates granted by the magistrates, and a great number of applications refused. Those nine licences came before the new tribunal, and the new tribunal rejected six of them, after they had actually been granted by the City Magistrates, and five of these were grocers' certificates.

124. *Mr Campbell Swinton*.—It has been represented to us by the City Clerk that there is a certain amount of hardship in letting the judgment of a large body like that of the magistrates be reversed by so small a body as this licensing committee: do you concur in that opinion?—No.—There are just six magistrates in Edinburgh, and the Lord Provost. The appeal tribunal consists of six members also, of whom three are the identical magistrates who had previously granted the licence, and who ought to be able to defend their own doings. In all other towns, except Glasgow, there are not so many as six magistrates.

125. The criticism of Mr Skinner referred only to the city of Edinburgh?—So I understood. The Licensing Court consists of seven members, including the Lord Provost, and the new tribunal consists of six members; so that it strikes me as being a very fair and wise arrangement. Of the three applications that were passed, two of them were merely for extensions of hotels—for hotels extending their wings; and the third was an application from a man whose licensed premises were taken for the purpose of another business. He obtained a new licence to carry on the same trade in the same neighbourhood. So that the granting of new licences was stopped in this city by the new tribunal last year. I mentioned as one of my heads a comparison of what had been done in diminishing grocers' and other licences, and increasing them in Edinburgh and Glasgow. In Edinburgh the population is now 210,000 and it has 870 licensed houses of all kinds, being one for every 48 families. I have an analysis of the figures separating grocers' licences from the others which I shall submit afterwards. Glasgow has a population of 555,000, and there are 1796 licensed houses of all kinds, or one for every 62 families. Edinburgh has 480 grocers' licences, or one for every 87 families. The next fact is a most striking one, viz., that Glasgow has only 257 grocers' licences, or one for every 439 families. Hence the grocers' licences in Glasgow would require to be increased five-fold, to be equal in proportion to the grocers' licences in Edinburgh. On the other hand, Glasgow has far more publichouses than Edinburgh.

126. *The Chairman*.—We had it in evidence from Mr Skinner, that the number of publichouses had remained stationary, although the population had largely increased during the last twenty years; but that the number of grocers' had largely increased. In drawing a contrast between Edinburgh and Glasgow, you say the number of grocers' has been kept down, but the number of publichouses has been proportionally in

excess in Glasgow?—I have the exact figures. Mr Skinner did not do justice to his own town I think. The number of licences has been diminished by 14 within the last twenty years; and in Glasgow also, diminished by 91. I wrote to the Town Clerk of Glasgow and to the Town Clerk of Edinburgh for the figures. Mr Skinner is not the magistrates' clerk of Edinburgh who personally grants the licences. Mr Morham does that in Edinburgh. I have no doubt, however, that Mr Skinner's information will be quite correct.

127. The table to which he referred was furnished by the licensing department of Edinburgh?—Very right. Edinburgh has 342 publichouses, or one in 123 families; Glasgow has 1507 publichouses, or one for every 73 families. In Edinburgh, there are 14 fewer licensed houses than in 1854; and Glasgow has now 91 fewer licensed houses than in 1854. The population of Glasgow has increased since 1851 by 225,900. Thus its increase of population is more than the whole population of Edinburgh at the present moment; and yet in place of adding to the licensed houses, Glasgow has diminished them by 91, notwithstanding the enormous increase of population. In the same way Edinburgh has increased about 50,000, and its licences have been diminished by 14; although at the same time the grocers' licences have very largely increased.

128. *Mr Campbell Swinton*.—Do you make a reflection on the fact, that while the grocers' have been increasing in the one, the publichouse licences have been increasing in the other. Which is the worst?—I think the publichouse licences have not increased in Glasgow. They are very much larger in proportion than in Edinburgh, but not larger than at the earlier period. A parliamentary return which I obtained last session gives the numbers at both periods.

129. In Glasgow they are fonder of granting public-house licences than grocers' licences; and in Edinburgh they are fonder of granting grocers' than publicans' licences?—Glasgow has carried out the spirit of the Act to a much larger extent than Edinburgh. All the Acts were passed for diminishing the numbers of licensed houses, as far as possible; and Glasgow has absolutely diminished the number of its houses more than Edinburgh has; and relatively it has diminished them enormously more than Edinburgh. The publichouses in Glasgow were 1650 in 1854, while last year they were 1546, so that they have been diminished by above 100 since 1854.

130. *Mr M'Lagan*.—Can you tell us whether there has been a greater increase of drunkenness in Glasgow than in Edinburgh during that time?—No. I said, in answer to an observation, that I would refer subsequently to the low neighbourhoods where the licensed houses exist. If you will allow me, I shall now state what occurs to me under that head, and make a comparison of the better class and the lower class streets, so as to enable the Commissioners also to contrast them. In Princes Street, including hotels, there are 17 licensed houses; in George Street, 14; and in Thistle Street and its continuations, Hill Street and Young Street, 9,—40 in all in this particular neighbourhood. Thirteen of these 40 are hotels. Deducting hotels, there are 27 publichouses and licensed grocers in all, in those three lines of genteel streets; for they may all be considered genteel streets, excepting perhaps Thistle Street, which is not quite that. Now, if you take Rose Street (a parallel street not longer than one of the other three), which has the character of being one of the worst, if not the worst street in Edinburgh, in a moral point of view, there are 27 licensed houses, including 2 hotels.

131. *Mr Campbell Swinton*.—How many grocers are there, and how many publicans?—The length of the street is about half a mile, and there are 17 publichouses, 8 grocers, and 2 hotels. So that Rose Street, with its bad character, has nearly as many licensed grocers and publichouses as all the three higher class streets mentioned before.

132. *The Chairman*.—When you say it has a bad character, what does that exactly mean?—That it abounds with prostitutes and houses of bad fame. I

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take it for granted that you will have the police authorities, who know about these matters, and who could speak to them. You will find that this difference exists all over the town, if you take clusters of streets in different directions. In Home Street, for instance, an inferior street on the south side, there is 1 public-house and 5 grocers; in West Port, 2 publichouses and 5 grocers; in Grassmarket, 2 hotels, 8 publichouses, and 5 grocers. In short, the lower the neighbourhood the worse it is for the number of licensed houses; in the Cowgate there are 11 publichouses and 20 licensed grocers. Then, in the line of street from the Castle down to Holyrood and Abbeyhill (a little over a mile), there are 43 publichouses and 47 licensed grocers—90 in all. I should like also to state that these numbers do not include the South Back or the North Back of Canongate, or any of the closes, such as Fleshmarket Close, or Milne Square, I only take the front line.

133. Would it be the case that the localities you are describing are the places of public resort for the entertainment of a considerable population living outside the streets;—for instance, that George Street and Princes Street would represent a greater part of the New Town. You would find no licensed houses in a great number of the streets adjoining. Is the same not the case in the lower parts of the city?—No; there are publichouses near every neighbourhood. I could not imagine people coming from Newington or the New Town to the Castle Hill or Lawnmarket or the Canongate. The licensed houses there would be occupied by denizens of the adjoining streets and closes, for the most part.

134. But there would be large populations, would there not, living in closes or smaller streets in the neighbourhood of the places you have named who would resort to them for their supplies?—No doubt. You are no doubt familiar with the line of streets I have mentioned. There is not much of a dense population there because beginning at the High Street, if you go straight down you have on the one side the Grassmarket and Cowgate; but then I have given you the figures applying to these separately. The Cowgate provides for itself and more than itself. Going further down still you have the North Back of the Canongate and the South Back too for the population there. I have not taken the licensed houses in them into account in my figures applying to the line of street in question. Nor have I taken into account any of the closes.

135. *Mr Ferguson*.—Have you any information as to whether there are any houses in the North and South Back of Canongate?—I have a list here. There is only one in North Back of Canongate while in the South Back of Canongate there is a hotel, a publichouse, and two grocers. In the Fleshmarket Close there are four, and in Milne Square one.

136. *Mr Campbell Swinton*.—They are publichouses principally there, are they not?—Yes.

137. *Mr M'Lagan*.—Are there not four clubs in Princes Street and George Street and Queen Street, where a good deal of drink is consumed?—I have no doubt there is.

138. And although the better classes do not resort to the publichouses, they resort to these clubs, do they not?—Yes.

139. Then you would not consider the publichouses the measure of the quantity of drink consumed in a particular district?—Certainly not. There is another obvious reason why there are not many houses in Princes Street comparatively: the rents are too high to admit of a common publichouse in Princes Street. I merely gave those figures to show that in regard to streets in juxtaposition with one another the extraordinary difference which exists between the numbers applying to each. My chief point was to bring out Rose Street by comparison.

140. *The Chairman*.—Would it not be the case (we should like to take the effect of your illustrations) that the working-classes employed in those wealthy neighbourhoods would resort to the poorer streets for houses of entertainment?—I should doubt whether there

would be any of the working-classes living in Princes Street, the rents are so high there.

141. But cabmen, porters, and servants, and so forth: would the open houses of chief entertainment for such people be in the poorer streets near the wealthy streets?—No doubt; and hence I have adopted as instances some of the cross streets where cabs stand, or to which cabmen would go. If men want drink they cannot go to a publichouse in Princes Street. They will go to the most convenient point from the stands in Princes Street. I quite agree with the opinion expressed that it does not necessarily follow that the number of houses in Princes Street is a measure of the quantity of spirits consumed in Princes Street.

142. Would you give us now what you intend to be the effect of the illustrations?—Well, there is Hanover Street. The cabmen at the stance near the Mound cannot go to a publichouse in Princes Street, but to those in Hanover Street, where there are 6 publichouses and 7 licensed grocers and one hotel. Then in Broughton Street there are 5 publichouses and 7 grocers; in Cumberland Street 2 publichouses and 6 grocers; in India Place, 1 publichouse and 5 grocers; in Jamaica Street, 2 publichouses and 4 grocers; in the Pleasance (a poor district), 8 publichouses and 10 grocers; in Fountainbridge, 7 publichouses and 6 grocers. There is one illustration I should like specially to call attention to. Take the great south road to Carlisle, from Princes Street to the toll at Mayfield. The distance between these points is two miles, and it is all built upon with the exception of about 300 yards. That main line of street includes all classes of inhabitants. Newington is a genteel neighbourhood, inhabited by people who are well-off. Clerk Street is a respectable street, so also is St Patrick Square; Nicolson Street is for the poorer middle classes; and besides these there are the South and North Bridges. This line of street, therefore, is a very good specimen of streets for all classes of inhabitants. And in answer to an observation I would say that I would infer from the number of houses there that it gave a fair measure of the wants of the line of street for the purposes of those who live in it. Now there are 2 hotels, 7 publichouses, and 19 grocers—28 in all—in about 2 miles of roadway. And immediately behind that (and this deals with another question in regard to people going elsewhere) and near the Surgeons' Hall and the theatre in that neighbourhood, there are five streets which go by the name of Richmond Street, Richmond Place, Richmond Terrace, and so on, and Adam Street. These form a small block of a few acres. The whole surface of all the streets does not extend to half a mile, and there are there 13 publichouses and 16 licensed grocers in them, and all within a few hundred yards of Nicolson Street.

143. *Mr Campbell Swinton*.—May not the fact of the much greater number with grocers' licences in the poorer localities be attributable to the circumstance that in these localities the rents are a great deal lower and the houses smaller; that therefore a man cannot carry on a large business, as in the case of a large shop such as Mr Blair's or Messrs Hill & Thomson's; and that there must be a greater number of houses to do the same work which is done in a very large house in another part of the town?—That might apply to some extent, but take a mixed neighbourhood such as Nicolson Street, and examine the number of houses you find there; compare with that the 20 licensed grocers in the Cowgate and the number in the Grassmarket and the other places I have mentioned. It is inconceivable that in these places they could live on their trade as grocers. In very many of these low neighbourhoods the selling of the spirits is the source of profit, and the trade of the grocer a mere sham. It is 'spirits and groceries' and not 'groceries and spirits.'

144. *The Chairman*.—The effect of the illustrations you have given is to show that the number of licences granted in the poorer localities is unduly large?—Yes; quite excessive—especially the number of licences granted to grocers. If you wish to ask me any other questions I have the information here. As I mentioned, I have formed a strong opinion that as whisky and

foreign spirits are sold cheaply, it would not do much good to give grocers the power of selling spirits even if they were restricted to the quart bottle. I have taken a good deal of trouble to gather information as to this point. I have collected it from various sources. I have ascertained the prices and quantities of spirits now being consumed in the country. If the Commissioners think it pertinent to the subject, I would like to state the fact shortly. Perhaps, however, a cutting from a newspaper—the *Lancet*—may first be given. It expresses exactly my opinion against the selling of bottles of whisky. I adopt it as my opinion. It contains all that I believe on the subject, and I will read it if you will allow me; then afterwards if you wish to hear anything in regard to the quantities of spirits and the facilities for getting them, and the prices of them, I can supply that information also. The extract from the *Lancet* is as follows:—

‘The “Grocer’s Licence.”—At the Brewster sessions for the Staincross division of the West Riding Constabulary a few days ago, Mr Superintendent Sykes reported a great increase in drunkenness, particularly among the wives of working men, attributing this deplorable evil, “the facilities afforded for purchasing intoxicating liquors under the guise of ‘groceries.’” Similar testimony is borne by those who are best informed as to the working of the “grocer’s licence” in most districts. Under pretence of purchasing groceries, or when visiting the shop for ordinary purposes, there is a special opportunity, and therefore a “temptation”—using that term in its popular signification—to procure a bottle of some favourite drink. Not a few thoughtful persons appear to miss the force of this argument. They ask why special opposition should be offered to the purchase of drink at a grocer’s. “Is the liquor so procured more deleterious than that obtained elsewhere?” “As between buying at a grocer’s shop and at a publichouse is the former act more vicious?” We do not allege that intoxicating drink is in itself injurious or unnecessary when used in moderate quantities, and if it must be bought at a retail store the conditions under which it may be purchased at the grocer’s are certainly not less favourable to good morals and discretion than the best attainable at a tavern. The objection we urge to the sale of drink at the grocer’s is simply and exclusively that it affords a needless and provoking opportunity for the indulgence of habits of intemperance in secret. We say many persons, and especially women—the wives and daughters of respectable men of all grades, servants, and others—who would not drink in secret if they had to go to a publichouse for their supplies, do so now that they can procure bottles of drink unobserved when visiting the grocer’s shop for other purposes. This is the gravamen of the charge, and it is a very serious one—so weighty, indeed, that we think it conclusive, and even overwhelming. In the face of this charge—an imputation against the moral consequences of the permit—made with all the earnestness inspired by a strong conviction and a deep sense of the public interests, we think the reproach should be wiped away. There is no need to wait until the law is changed; boards of magistrates generally might follow the spirited example of the West Riding bench, and disallow every application for the grocer’s licence until the Legislature is brought to see the facts as they stand. When that time arrives no further effort will be necessary to suppress a public nuisance of more than sentimental gravity and importance. Meanwhile superintendents and constables of districts may do good service by keeping a better watch on the working of this anomalous trade, and duly reporting their experience.’ The Commissioners know that this power to sell a quart bottle was granted by Mr Gladstone to grocers in England. The object of it was to facilitate the consumption of cheap wines; and spirits were unfortunately included amongst them. This evil, however, has gone to such a length that the magistrates of the West Riding, putting the law to one side, say—“The evils are such that we won’t give a grocer’s licence to any man in the West

‘Riding.’ When I see that such is the case with the quart bottle in full vigour in England, I am alarmed at the consequences in Scotland; or, I should not say, alarmed, for I admit it would be a modification of our evil; but it would be no remedy, and I could not urge you to adopt such a course.

145. Then the effect of your recommendation would be that all persons whose means do not allow them to keep a stock of liquors in their own house would be obliged to go to the publichouse for spirits and fermented liquors?—Not for fermented liquors. I would allow grocers to sell wine and ale and porter, but no spirits. Your observation would only apply to the case of a family which could not find two shillings. I have statistics to show that a bottle of good spirits—German spirits, Scotch grain spirits, or rum—can with a good profit to the retailer be got for two shillings.

146. Would you make them buy such quantities at the publichouses?—If the bottle system for grocers were adopted they could buy a bottle in the grocer’s. There are not many families which could not muster two shillings to buy that quantity, and therefore the evil of the licensed grocers would be continued to a very large extent.

147. I quite followed you in regard to that; but would not the result of it be that any family, who had occasion to use spirits and could not afford to keep them in their house, must resort to the publichouse itself?—I quite acquiesce in that observation—for small quantities.

148. If it be said that the power to sell liquor in open vessels by the grocers encourages drinking to a greater extent than the same in sealed bottles, in England, then would you not increase the evil, or continue it, by compelling all persons having occasion to use spirits to resort to the publichouse, where a glass can be sold over the counter with facility?—I think not, because, as is stated in the *Lancet*, in the extract I have quoted, women have occasion to go to the grocer’s every day. They must go themselves or send girls or boys; and of course they could easily send a message with the girls or with the boys for a bottle of whisky. On the other hand, a woman would not be seen going to a publichouse; and if the course I hint at were adopted, the temptation would be to a large extent removed.

149. But then the effect of that is arbitrarily to fix the stamp of something that is not respectable upon the purchase of a commodity. If you say that it is not thought respectable by working men that their wives should be seen going into a publichouse, that is to say that the purchase of a bottle of spirits is not in itself respectable?—Yes, it may be so stated.

150. Do you not thus prevent the buying of a commodity in what you might call a respectable manner?—I think there is another alternative. You are aware that what is technically called the grocer’s licence is not a licence to grocers only, but to ‘grocers, or ‘provision dealers,’ or ‘dealers in spirits.’ For instance, in Princes Street there is a ‘dealer in spirits,’ and anybody who wants to buy spirits—taking it for granted that the grocers are prohibited from selling them—could go to Mr Gilbey, for instance, or any other such party who had a spirit dealer’s licence, and there buy what they required.

151. Mr Campbell Swinton.—But their licence does not prohibit them from selling groceries?—A party can get a separate licence for spirits.

152. From the Excise without a certificate?—No; you must have a certificate.

153. Are there not only two forms of certificates?—No; there is a form of certificate for dealers in excisable liquors, that is one class; and grocer’s, that is another; and for provision dealers trading in excisable liquors, that is a third. For instance, Mr Gibson in Princes Street is a provision dealer, and he could get a licence. Mr Gilbey is a spirit dealer, and he has a licence as a spirit dealer. Another man may come next door as a grocer, and he gets the licence as a grocer. They are all three, however, in common parlance, said to have grocers’ licences.

154. What is the difference between the certificate of Gilbey and a grocer’s certificate? He gets the grocer’s licence, does he not?—He gets the same certificate, but it is as a ‘dealer in spirits.’ Of course I don’t mention

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EDINBURGH. Mr Gilbey particularly. It occurred to me in going over the list of licensed houses in Princes Street, I found him marked in a peculiar way—a way different from the others—as a ‘spirit dealer.’ I know from personal knowledge that in England there was a very respectable class of people called spirit dealers before Mr Gladstone’s Act came into operation, who sold nothing but spirits and wine, and in London I observe some of them still in the same neighbourhood as that in which my house has been situated for several years.

155. *The Chairman.*—Do they sell by retail?—I do not suppose Mr Gilbey ever sold a gill of whisky in his life; and there are respectable grocers in this neighbourhood who have merely grocers’ licences who would be affronted if they were asked to sell a gill or half a gill of whisky.

156. *Mr Campbell Swinton.*—They would sell a bottle, would they not?—Yes.

157. *The Chairman.*—You think, do you not, that the withdrawal from the grocers of the power to sell spirits by retail would tend to produce another class to meet the demand?—I think the publichouses would get a very large proportion of the trade in small quantities which is now in the hands of the grocers, in so far, at least, as that trade was not annihilated; but I think the trade would be largely annihilated. But then there will still be a number of men—‘dealers in spirits’—who will sell bottles but not gills. There is a great number of licensed grocers who would not sell a gill or half a gill of whisky.

158. *Mr Campbell Swinton.*—Do not you think that the stigma which at present attaches itself to a woman seen going into a publichouse would no longer exist if the publichouse were the only place where she could get spirits? Is it not the fact that she could obtain spirits at present at a grocer’s if she liked that makes it disreputable for her to go to a publichouse?—No, I think not; I think the woman herself would be the judge, and would abstain from going into the publichouse. It would require some pressure to make a decent woman go to buy a gill at a publichouse.

159. *Mr Ferguson.*—Do you think it would annihilate that part of the evil which consists in servant girls getting liquor when they go messages?—Yes, and it would annihilate the evil as far as workmen’s wives are concerned also. I think the evil is quite as great in regard to them.

160. *The Chairman.*—Of course we are taking it merely as a common report that servant girls do get it, but we have no evidence of that?—Just so. I have procured evidence from the returns of the Inland Revenue Commission, the Board of Customs, and from documents about the quantities of spirits consumed; and I have obtained information as to the prices of spirits at present from the price lists of Leith and London. I have got information from this source to prove that good spirits are to be got at two shillings a bottle, allowing a fairly large profit to the grocer. I use the word ‘spirits’ as applying to German spirit, Scotch whisky, and rum.

161. You may state the result you deduce from the documents you have had in your possession. As a result of your researches you stated that spirits could be obtained at the low rate you mention?—Yes, perhaps, I might take two instances—German spirits and Scotch whisky. The present price of German spirits at Leith, taking a fair average, is 1s. 4½d. the gallon. There are some which sell at a much lower rate—as low as 1s. 3d. Russian spirits sell at that rate. This, apart from the duty, is equal to 2½d. per quart bottle of proof spirits; but proof spirits is far too strong for retailing to be drunk in that state. It is usually sold containing from ¼th to ½th of water. If ¼th be water, the natural price of a bottle of whisky sold in that state is reduced to about 2½d.; if only ½th is water, the natural price is 2¼d. The common grain whisky made here sells at 1s. 11d. per gallon proof, and the price per bottle is, of course, relatively higher with the duty paid, which, on home spirits, is 10s. per gallon, and on German spirits 10s. 5d. The result is that, duty paid, the price is nearly the same, viz., 11s. 9½d. for German and 11s. 11d. for British spirits. The cost, of a quart bottle, duty paid, if sold at proof strength,

would thus be 2s. for home-grown spirits; if ¼th were water, it would be 1s. 6d.; and if ½th, 1s. 7½d. Whisky of this kind is largely sold to the poorer classes, and could thus be sold at 2s. per bottle with a fair trade profit to the seller, where any considerable amount of business was done.

162. *Mr Campbell Swinton.*—What conclusion does that point at?—There is a notion abroad, from the price at which fine old malt whisky, for instance, is advertised, and bought within our own experience, that you could not get spirits at anything like so low a rate as I have mentioned; and if it required 3s. to purchase a bottle, you can perceive that it would be more difficult to find than 2s.

163. And that you think is an argument so far in support of what you think would be a palliative, though not a cure?—Yes, I have another page of statistics of the same character in regard to rum. Good rum is sold at about the same price, costing 2s. per gallon, and the duty being 10s. 2d.

164. Is there so much rum consumed in this country?—I was startled by what I perceived in the report of the Inland Revenue Commissioners, that upwards of five millions of gallons of rum were consumed, chiefly by the working classes, in England last year. The Inland Revenue authorities say that the consumption is largely increasing. I have the quantities of the importation here. The Commissioners would be surprised at the enormous increase in the amount of foreign spirits introduced into this country. Last year there were 11,935,263 gallons of foreign spirits consumed, on which duty was paid; and 31,219,042 gallons of whisky paid duty.

165. Are the foreign spirits drunk chiefly in England?—No, I have ascertained that 350,000 gallons of German spirits were imported into Leith last year.

166. *The Chairman.*—Is that all that you prepared yourself to lay before us?—Yes, but I shall be happy to place my time at your disposal if you require any explanation afterwards.

‘NEWINGTON HOUSE, EDINBURGH, 5th October, 1877.

‘SIR,—When examined by the Royal Commission yesterday, I had intended to offer evidence respecting the transfer of grocers’ and other licences, and had notes on the subject before me, but somehow missed the passage in turning over my sheets. As I consider the question one of great importance, I will feel obliged if you will obtain the permission of the Chairman to add the enclosed two passages to my evidence, being the substance of what would I have said if examined on the question.

‘I am, Sir, yours faithfully,

‘D. M’LAREN.

‘W. J. MURE, Esq., Advocate, Secretary.’

Another important point in which the Acts are not carried into effect, at least in this city, is the transfer of certificates. The only authority for a transfer of certificates is the Home Drummond Act, Sections 19 and 20; and these authorise transfers only in the event of the death of the original holder of the certificate, and a re-transfer of the same during the current half year. The form of the transfer of the certificate appended to the Act (6) is also explicit in restricting the transfer to cases where the original holder of the certificate ‘has died.’ But notwithstanding these restrictions, transfers are granted where no death has occurred, as an ordinary matter of business. The clause (19) restricts the transfer and re-transfer of certificates ‘until the next general or district meeting, to be held under the authority of the Act.’ After that period the parties are to be treated like other new applicants. This appears from Section 10 of the Act 25 and 26 Vict. cap. 35, which requires the publication in the newspapers, and transmission to the registrars, of the names of three classes of new applicants for certificates,—namely, (1) all applications for premises not at the time certified; (2) all applications, by new tenants of premises at the time certified; (3) ‘and also of all applications for renewal of certificates which have been transferred during the currency of the previous half year.’ Section 9 confirms this view, by

requiring all applicants having transfers, which have been transferred during the half year, to produce certificates of character like other new applicants. Thus all pretext of vested interests on the part of the transferees is cut off, and the magistrates are left to deal with them, by refusal or otherwise, as they shall deem 'meet and expedient' for the public interest, as in the case of other new applications. Had these provisions been carried into effect the number of licences might have been greatly reduced from time to time, as the original holders died, or gave up business. Section 12 of the Forbes MacKenzie Act, and Section 4 of the Amendment Act, declare all certificates granted contrary to the terms of the recited Acts 'null and void,' and these words make appear all transfers, where a death has not occurred, illegal.

In the case of grocers there is an additional objection to such transfers. It does not appear that there

is any legislative authority for the transfer of grocers' licences, in any circumstances. The Home Drammond Act, Section 19, already cited, merely authorises the transfer, in the event of death, 'of the certificate to keep and continue such house, or premises, as a common inn, alehouse, or victualling house, as before such death, until the next general meeting,' &c. There was no grocer's certificate or licence then authorised by Parliament; and when one was authorised, by the Forbes MacKenzie Act, differing materially from all former certificates by prohibiting consumption on the premises, there was no authority given by the Act for the transfer of that peculiar certificate. Nothing whatever is said on the subject in that or the subsequent Act; and, therefore, a serious question may be raised, whether any of the transfers of certificates granted during the current half year are not illegal?

Adjourned.

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EDINBURGH, FRIDAY, 5TH OCTOBER 1877.

Present.—

SIR JAMES FERGUSSON, Bart.
MR CAMPBELL SWINTON.

MR M'LAGAN, M.P.
SHERIFF CRICHTON.

MR FERGUSSON.

SIR JAMES FERGUSSON IN THE CHAIR.

3. MR THOMAS LINTON, examined.

167. *The Chairman*.—You are superintendent of police for the city of Edinburgh?—I am.

168. Have you seen a return that has been furnished to the Commission of the number of licensed houses in Edinburgh?—I am aware of the return.

169. Would you be so good as to take that in your hand, and say whether it is a correct return?—I have a copy of it here.

170. The total number of licensed houses in Edinburgh in 1876 was 879?—Yes.

171. What is the number for the present year?—At Whitsunday 1877, the last licensing court, the number was 870.

172. How long have you been superintendent of police for the city?—Since 1850,—for 27 years.

173. Would you tell the Commission on what system the magistrates have proceeded in the granting or withholding of licences?—The magistrates have themselves visited and inspected the houses for which application was made, and the visiting magistrate signed a report as to whether the premises were suitable or unsuitable, and also as to the character of the applicant.

174. They are very particular on those matters?—Very particular.

175. Have they laid down for themselves any rule as to the number of licences that they would grant, the circumstances being suitable?—I am not aware of any special rule.

176. As a general rule there has been no increase in the number of licensed houses over a long period of years?—Not an increase on the whole. A certain class of certificates have considerably decreased in number and another class have considerably increased, so that the total number is very much the same as it was.

177. *Sheriff Crichton*.—Which are those?—In 1854 the number of publichouse certificates granted was 511. That was the first year after the passing of the Act of 1853. Last Whitsunday the number was 342.

178. *The Chairman*.—And what was the number of grocers' licences?—In 1854 the number of grocers' certificates was 326, but last Whitsunday the number was 480.

179. Can you say whether that alteration in the relative proportions of the two classes of licensed houses has been owing to natural causes or to the policy of the magistrates?—My opinion is that the magistrates as a rule have been less stringent in keeping down the

number of grocers' certificates as compared with publichouse certificates.

180. Can you say the opinion has been that it is more desirable to encourage this class of house than the publichouse?—Some magistrates act as if they thought so.

181. Has it been the practice in Edinburgh to refuse a publichouse licence to an applicant, but to grant him a grocer's licence?—I have known that often occur.

182. But that would be to a man who had no grocer's shop, but wished to be able to sell spirits?—Yes.

183. Then that would necessitate his opening a grocer's shop in connection with the sale of spirits?—Certainly.

184. Then in that case the sale of groceries would be subordinate to the sale of spirits?—I think so.

185. Is it our opinion that there are many houses of that class?—I think there are a good many. For instance in the Old Town we have a number of low-rented houses. I believe there are about 170 of the grocers holding certificates whose annual rental is under £25, which is a very small rent for a shop in Edinburgh; and there are about 20 under £15 of rental, which is a very low rent indeed.

186. Have licences been refused on the ground that the premises were so small that it was undesirable to grant licences?—Often.

187. Evidence was given before the Commission yesterday that in certain localities that might be called low or poor localities, such as Grassmarket, Cowgate, and Canongate, the number of licensed houses is very much larger in proportion to those held in better parts of the town. Is that the case?—It is the case. As a general rule the largest number of publichouses and grocers' shops are in the Old Town, and in what are accounted the lower localities of the city.

188. Is that because the demand there for small houses of entertainment is larger?—I presume that is the cause.

189. *Mr Campbell Swinton*.—Do you think it would be an advantage if there was a rule laid down as to the amount of rent necessary to qualify a man for keeping a grocer's shop?—I think it would. I think we have far too many low-rented houses certified.

190. Would you suggest any sum in a city like this as a suitable sum under which no licence should be given to a grocer?—It is somewhat difficult, perhaps, but I would be inclined to say £40 or £50.

191. *Mr M'Lagan*.—You stated that it was the opinion of the magistrates that it was better to restrict

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EDINBURGH. the number of publichouses than to restrict the number of grocers' licences. Now what is your opinion?—I think too many grocers' licences have been granted of late years.

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192. You think, then, that it has been prejudicial to the interests of the people having so many?—I think it would be better to have fewer,—better for all concerned.

193. Are you aware of any cases of drunkenness being encouraged by giving grocers' licences?—I cannot positively say so, considering drunkenness as it comes under the notice of the police. The general effect of the Acts has been to reduce that class of drunkenness very much.

194. Then why do you think it necessary and advisable to restrict the number of grocers' licences?—Just for the same reason that I would consider it desirable not to have too many publichouses.

195. But we find from the tables which we have had before us that drunkenness has been reduced, while the number of grocers' licences has been increased in Edinburgh?—Yes, drunkenness as known to the police, and on the whole.

196. But still you want to reduce the number of grocers' licences?—I think it is a disadvantage to have a licence attached to a low-rented house, because it is not at all likely that a grocer's business proper will be carried on there, and the occupier is tempted to commit breaches of his certificate for the sake of getting a living.

197. Do you think it is a part of a grocer's business to sell intoxicating liquors?—Were it not that the law has made it so, I can see no reason why a grocer should have the sale of liquors attached to his business any more than a draper or hardware merchant or any other merchant; but still for the last quarter of a century the law has specially recognised that class of business.

198. You don't consider intoxicating liquors to be in the list of groceries?—No, they have no connection with each other that I am aware of.

199. *Mr Ferguson*.—Do you think that if the number of grocers' licences were materially decreased, it would have any effect on the number of publichouse licences?—I don't think they should be increased in consequence of any decrease in grocers' licences.

200. I see by the table that the number of publichouse licences has been decreasing since 1860, and that the number of grocers' licences has been increasing. Now, if a stop was put to the grocers' licences being easily got, what do you think would be the effect of that on the city generally?—I think we have quite enough of publichouses as we are, even if that were taking effect.

201. You don't think it would tend to increase the number of publichouse licences?—Not unless the magistrates thought it necessary to do so.

202. *Sheriff Crichton*.—There would be no necessity for increasing the number of publichouse licences?—Not that I am aware of.

203. *The Chairman*.—Perhaps you think that as the number of offences arising from the sale of drink has not increased proportionally with the population, and the number of publichouses has been limited, that greater improvement might be produced by carrying that further?—I think so.

204. What number of convictions has been obtained for breach of certificate by grocers?—I have two tables here, the first of which gives the number of convictions for each year during the twenty years ended with 1876. I begin with 1857 because the power to conduct such prosecutions in the police court was first given under the Edinburgh Municipality Act of 1856. The second table distinguishes the particular kinds of breach of certificate, and whether on week days or Sundays, and whether first, second, or third offences.

205. The breaches on Sundays would not apply to grocers?—There are some, but they are very few in number.

206. What was the total number?—For the twenty years, on week days 133 convictions, and on Sundays 38, total 171. Then as regards the particular kind of breach of certificate, there were on week days 88, and on Sundays 38 convictions for allowing drink to be consumed on the premises, and there were on week

days 22 convictions for supplying liquors before 8 o'clock in the morning, and 23 for supplying liquors after 11 o'clock at night, giving the same total of 171.

207. Would you tell us, if you please, the number of such convictions obtained last year?—Last year there were two on week days and three on Sundays,—five in all.

208. That is a very small number among such a number of dealers?—A very small number indeed.

209. The Commission have obtained replies from all the chief constables of counties and heads of police of towns in Scotland on this subject; and many of these gentlemen have stated it to be their belief that a number of evasions of the law are committed by licensed grocers, but that it is exceedingly difficult to obtain evidence of the fact. Is it your opinion that many such evasions take place in Edinburgh, although convictions are not obtained?—I do not think that the number of convictions represents the actual state of matters. There are great difficulties in obtaining convictions, and I think there is a defect in the Act which so far accounts for that.

210. *Sheriff Crichton*.—To which Act do you refer?—I refer to the 13th Section of the Act of 1862.

211. That is the Section with regard to police supervision?—Yes.

212. *The Chairman*.—Will you state the particular in which that Section is defective?—It is towards the latter part of the Section,—‘and it shall be lawful for ‘any officer of police or any constable of any county, ‘district, or burgh, without any written authority, at ‘any time to enter and inspect any licensed inn and ‘hotel or publichouse therein situated, and also, where ‘he shall have reason to believe that a breach of certificate is being committed, at any time without written ‘authority to enter and inspect the premises of any ‘grocer or provision dealer trading in excisable liquors.’ Now I have no doubt that that distinction stands in the way of detecting grocers.

213. *Sheriff Crichton*.—You would have the grocers put on the same footing as the publichouses in that respect?—I think so. An hotel is on the same footing, where respectable persons of both sexes live, and that being so, I cannot see why an exception should be made in regard to a grocer's shop.

214. *The Chairman*.—Have you reason to believe that liquor is often sold by these licensed grocers and consumed on the premises?—I believe that does occur.

215. Would you tell us, if you please, what are your grounds for stating that opinion?—I have had cases reported to me where the officers got into the place and had no doubt whatever that the liquors had been suddenly removed just before they were enabled to get to the place where this was going on, and all the circumstances tended to show that it had been so.

216. Reference was made by a witness yesterday to the number of people who are found drunk on the streets, and although that number is not increasing, still there is a great number?—There is still a large number.

217. Now have you had reason to believe that any considerable number of persons found drunk on the streets have procured the drink which has made them so in grocers' shops?—Not to anything like the same extent as in publichouses.

218. I asked the question because it is a statement made by others, and it is necessary to verify it?—I may mention that the police are instructed to report in terms of the Act any house which persons in a state of intoxication are frequently seen to leave. Each sergeant gives in a weekly report to myself as regards such houses; and the publichouses which are so reported are few in number, and I am not aware of a single instance of a grocer's premises being reported in that way.

219. Are many such reports made by the police, of people leaving houses in a state of intoxication?—The reports are not numerous, and the rule is that when a house is so reported, it is specially watched to see whether a detection can be made,—that is to say, whether the keeper can be got at for supplying liquors to a person in a state of intoxication.

220. Have you ever had occasion to watch grocers with that view?—It has been done, but rarely.

221. You have not had suspicion attaching to any particular shops?—No.

222. Will you tell us whether the police are active in this particular part of their duty? Do you instruct your officers to be active in that part of their duty?—I have here a book of instructions which is put into the hands of every officer of police, and at stated periods, not less than once a fortnight, this book is read and explained to them by the superior officers, and it contains in full detail every offence against the Public Houses Acts, and the officers are enjoined to enforce the Acts, and minute directions are given as to the particular mode in which that may best be gone about.

223. And this particular part of their duty which you refer to is one which is impressed on them equally with the rest?—Undoubtedly.

224. *Sheriff Crichton*.—And the provisions of Section 14 of that Act you think are attended to in Edinburgh?—I think so. Besides, the force in uniform, I have a principal detective officer with an assistant, who do nothing else than look after the enforcement of the Public Houses Acts.

225. *The Chairman*.—And as partly the result of that system, the number of persons found drunk and incapable in the streets now is less than half of what it was twenty years ago?—I believe so.

226. According to the returns before us?—Yes.

227. A member of the Commission calls my attention with reference to that answer to the fact that the number of such reports is greater now than it was seven or eight years ago, although much less than it was in 1854 and 1855. You observe that in the year 1867 there were only 1900 persons so found, and the number was about the same in 1868 and 1869. In 1870 it fell to 1783, in 1871 to 1769, and in 1872 it was 1789, while in the last four years it exceeded 2000, and last year it was 2300?—It has increased during the last few years to a certain extent, but it is still very much below what it was previously to 1854, when the first Act was passed.

228. *Sheriff Crichton*.—How do the magistrates act with regard to grocers who have been convicted, in giving a renewal of their licence?—I think they are just as stringent with them as with publicans.

229. Does one conviction deprive him of his certificate?—Sometimes, if it is considered a flagrant case.

230. But there is no difference made in that respect in disposing of the renewal of an application by a grocer as compared with a publichouse or hotel-keeper?—I don't think so.

231. *The Chairman*.—No exemptions in respect of hours are granted to licensed grocers, I believe?—None.

232. Is it your opinion that evasions of the Act take place in selling spirits before the legal hours when the shops are opened for other purposes?—I think it is so, and that is mainly because certain grocers open their premises before 8 o'clock, and particularly on Saturday night keep them open after 11 o'clock, professedly to supply customers with groceries, but I believe in some instances they get liquor as well. And I think that the remedy is to be found in the form of the certificate itself.

233. *Sheriff Crichton*.—Are you referring to the grocers' certificate?—Yes. The words in the certificate are 'do not traffic in or give out therefrom any liquors before eight of the clock in the morning or after eleven of the clock at night, of any day.' That applies to week days, and it goes on, 'and do not open his premises for business, or for the sale of any liquors or any goods or commodities whatsoever, or sell or give out the same on Sunday.' Now I think if the Sunday regulation were applied to the week days, it would go a long way towards preventing that illicit sale of liquors.

234. That is, you would not allow a grocer to keep his shop open except at the hours mentioned for the sale of any commodities?—For the sale of any commodities whatever.

235. *Mr Campbell Swinton*.—Do the necessities of the working classes not require that they should have the power of getting groceries before 8 in the morning or after 11 o'clock at night?—I do not think so. As far as I know, working-men are paid early in the day now, and I don't see any necessity for these late hours.

236. *The Chairman*.—Where a grocer's licence has been given to an applicant for a publichouse, and he opens a grocer's shop to enable him to sell spirits, it would be expected that he would sell spirits when he could, would it not?—Oh! yes, there is a strong temptation to do it if the shop is open at all.

237. Are the magistrates particular in requiring the business premises of licensed grocers to be shut off from the dwelling-house?—There are 15 grocers in Edinburgh who have their dwelling-houses attached to their licensed premises.

238. *Mr Campbell Swinton*.—Only 15?—Only 15, but I think there should be none in that position.

239. By not having them attached do you mean that you would have them entirely separate, or might they be under the same roof though there was no open communication between them?—I think they should be entirely separate.

240. *Mr M'Lagan*.—Do you mean to say that you would prevent a grocer from having his shop downstairs on the ground floor, and living upstairs?—I would, if practicable.

241. If there was no communication whatever, would you still debar him from living there?—Yes, I think it would be better for him, and better for the trade if it could be so.

242. *Mr Campbell Swinton*.—But would there be any difference between his having his house under the same roof, but with no internal communication, and his having it next door say?—I have had convictions where there was no communication, and yet the man brought the liquors along the passage from the shop into his house.

243. He could not do that if there was no communication?—He came out at the front door and along the passage and upstairs to his house. Of course the difficulty would be very much lessened by having no communication.

244. *Mr M'Lagan*.—Do the magistrates in granting a licence consider whether the applicants have any communication between their house and their shop?—Yes, and that accounts for the very small number.

245. They never grant them now?—As a rule they do not.

246. *Sheriff Crichton*.—Can you give us an idea where the 15 houses you have mentioned are?—In the Old Town.

247. Are they all in the Old Town?—Yes.

248. *The Chairman*.—Are there any licences held in Edinburgh for the sale of table beer, but not of spirits?—There are a good many. Up till this time anyone, as I understand, who chose to go to the Inland Revenue Office and pay five shillings, got a licence as a matter of course. The result of that was that a number of low dens about the Cowgate and Grassmarket and other parts of Edinburgh had such licences attached to them, and they were a very great nuisance indeed.

249. But since 1862 such licences can only be granted after the production of proper certificates. Is that not so?—There were no certificates required till Dr Cameron's Act of last year.

250. *Sheriff Crichton*.—The Act of last year is the first Act requiring certificates for such houses?—Yes.

251. *Mr Ferguson*.—Did you find those houses evading the law by selling spirits on the sly as well as beer?—I have had them convicted for selling to be consumed on the premises.

252. Selling spirits?—No; selling beer.

253. You have had no convictions for them selling spirits along with the beer?—No.

254. *Sheriff Crichton*.—Are these what were called the hard ale shops?—Yes.

255. *Mr Campbell Swinton*.—Then the licence they got from the Excise did not allow consumption on the premises?—It did not.

256. *The Chairman*.—Do the magistrates require that licensed grocers' premises should not have back doors?—As a rule they do. There are exceptions made sometimes under special circumstances, but they are not numerous.

257. A statement was made yesterday to the effect

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Witness. that there was a common belief that police officers are treated by grocers with a view of preventing them from performing their duty. Do you think there is any truth in that?—I have no information of anything of the kind, and I cannot believe if it were at all prevalent that it would be so. I would expect that the superior officers of police, and even the inhabitants themselves, would have made me aware of it if such a practice prevailed; but from no quarter have I had information of such a practice.

258. Can you say whether the arrests for drunkenness are generally confined to habitual offenders, so that the total number of arrests may represent a much smaller number of individuals?—We have the same individual perhaps fifty times in a year, or oftener, at the bar of the Police Court in that way.

259. *Mr Campbell Swinton.*—Then your returns only give the number of cases, and not the number of individuals?—The number of cases.

260. *Mr M'Lagan.*—Has there been any increase of late years in the number of females found drunk and incapable?—There has been a slight increase, but not a material increase.

261. *The Chairman.*—I asked you before whether it was the practice sometimes to give grocers' licences to applicants for publichouse licences. Can you give us an idea what proportion such grants would bear to the total?—They are not numerous, but still it is not uncommon, having refused a publichouse certificate, to grant a grocer's.

262. Can you give us a list of the applications made say for the last five years, and how they were dealt with?—The books of the licensing clerk would contain that information, I have no doubt.

263. Within your knowledge, is the sale of spirits in open vessels common by licensed grocers?—I don't think the sale of spirits is at all common in that way. The usual way in which spirits are supplied is in a bottle with a cork in it. It is quite common in the trade to supply ale and porter and beer in open vessels.

264. Of course there is nothing illegal in it at present; but in the lower class of houses do you know whether or not it is customary for people to go with a mug or other vessel and to have a measure of spirits poured into it?—My information is that that is not customary,—that it is unusual, and that the usual course is to put it in a bottle.

265. Then in the city of Edinburgh you think it is not common for persons to buy spirits in that way, and go and drink it outside?—There are instances, but it is not by any means common.

266. *Mr Campbell Swinton.*—In the present state of the law there would be nothing illegal in a person taking say a wine glass into a grocer's shop, having it filled with whisky, and walking out and drinking it on the street?—Nothing.

267. *The Chairman.*—Have you any opinion to offer as to the effect upon public morals and drinking habits, of the law which allows grocers to sell liquors to be consumed off the premises. I mean, do you think that on the whole it is more conducive to sobriety and good order than the same amount of sale in publichouses?—I don't think it is more conducive.

268. Evidence has been given on former occasions that it leads to less public drunkenness at all events, when liquor is taken home, than when it is consumed in the publichouse, more hurriedly perhaps?—I don't see the improvement arising from that.

269. You think it does not matter, and that people will have the spirits wherever or however they may drink them?—I think so,—those who are determined to have them.

270. Are you aware of any abuses occurring in the sending out of liquor in grocers' carts, that is to say, that under cover of fulfilling orders they really take it for sale?—I don't think that prevails in Edinburgh.

271. Not in the city?—Not in the city.

272. *Mr Ferguson.*—Are you aware of any grocers in Edinburgh that are in the habit of sending out whisky in that way in vans to the country districts?—I believe there are several who send to the country.

273. *Mr Campbell Swinton.*—Do you mean in consequence of orders they have received, or that they send it out on a speculative expedition to the country?—I think it is in the execution of orders.

274. *The Chairman.*—You have no reason to believe that they do it in the way of hawking spirits?—I don't think so. I have not heard of such an abuse in Edinburgh.

275. *Mr Campbell Swinton.*—Do you think that if grocers were not allowed to sell liquor to be consumed off the premises, and not allowed to sell spirits at all, respectable women would have no hesitation in going to publichouses to get the liquor which they want for their families?—I think it would come to that.

276. You think that at present respectable women prefer going to the grocer's to get any liquor that is wanted for the use of their families rather than going to publichouses?—I believe a woman given to drink would at once go to the publichouse if prevented from going to the grocer's.

277. I am not speaking of women given to drink, but of respectable people wanting it for the use of their families. If the grocers were not allowed to sell liquor, would they just go to the publichouse and get it?—I think they would.

278. It is represented to us that respectable people are induced to get drink, because they can get it at the grocer's, who would not get it at all if they were obliged to go to the publichouse for it. Do you think there is any truth in that?—I don't think there is much to be attached to that.

279. *Mr M'Lagan.*—Though you are in favour of reducing the number of grocers' licences, you are not in favour of the abolition of them entirely, are you?—No, considering that they have been legalised for so long a period.

280. You mentioned that intoxicating liquors were truly not groceries. Do you think it would be advisable to separate the sale of intoxicating liquors from groceries?—Were it not that it has been legalised, I would certainly think so.

281. It was suggested to us by a former witness, that other houses might be established where spirits might be purchased without the necessity of going to the grocer's, and that in these houses no groceries would be allowed to be sold; what would you think of that?—I would quite approve of that as a principle.

282. Do you think that would be better than the present plan?—I think so.

283. *Mr Campbell Swinton.*—But on the other hand, I understand you would think it a great hardship to take the licence away from the grocer's now, as they have had it by prescriptive right, so to speak, for so many years?—Most distinctly so, and especially as I am not aware of any abuses to necessitate such a course.

284. *Mr M'Lagan.*—The effect of passing a law which would abolish grocers' licences without establishing other houses for the sale of intoxicating liquors, would be to throw a monopoly into the hands of the publichouse keepers?—It would tend in that direction.

285. And you think that would not be advisable?—I don't think so under all the circumstances.

286. *Mr Ferguson.*—Could the want not be met by wine merchants and larger spirit dealers supplying the demand?—It might.

287. Is there any restriction now on the quantity that a wine merchant's licence permits him to sell?—There is, as regards a wholesale licence.

288. I mean a wine merchant who sends out a gallon of whisky or a dozen of wine, could he not send out a quart bottle?—I think a quart is the limit.

289. Would there be any hardship, then, in families requiring to go to a wine merchant? Would that not meet the whole case of the necessity for the grocers having licences?—It might. I have no doubt a trade would be created to meet the demand in that way.

290. *Sheriff Crichton.*—If a wine merchant is going to sell in small quantities, must he not have a certificate?—Yes.

291. *Mr Campbell Swinton.*—Not so small a quantity as a bottle?—A quart, I think.

292. *Sheriff Crichton*.—The licence from the Excise allows him to sell wholesale?—Yes.

293. *Mr Ferguson*.—What is wholesale? Is a quart wholesale?—I think so, but I may be wrong.

294. *Sheriff Crichton*.—That is under a licence got in consequence of a certificate, is it not?—No.

295. What is it under?—The Excise licence.

296. Does the Excise licence allow them to sell a bottle?—I think it does, but I am not certain.

297. Those who are bakers and confectioners in Edinburgh have an ordinary publichouse licence?—Yes.

298. And that prohibits them from selling groceries or uncooked provisions?—Yes.

299. Can you tell us what falls under the term 'groceries'?—A great number of articles.

300. *The Chairman*.—Are you able to draw a distinction between two classes of licensed grocers,—between one class who are *bona fide* grocers but who sell spirits, and others with whom the sale of groceries is quite subordinate?—Oh yes, there are the two classes undoubtedly. I would say that the majority of grocers in Edinburgh are persons who conduct a *bona fide* grocer's business, in large premises in our main streets; but there are a good many, and amongst them undoubtedly are the 170 I named whose rents are under £25 annually, with whom I believe that the grocer's business is merely subsidiary, and that the main object and main means of living is by selling intoxicating liquors.

301. Supposing a man receives a grocer's licence who has applied for a publichouse licence, is he obliged to keep groceries because he holds a spirit licence?—Oh yes.

302. He must have some groceries to show, must he?—He must be a grocer trading in excisable liquors in terms of the certificate.

303. But does the fact of his being a grocer trading in excisable liquors oblige him to keep groceries?—I think so.

304. If you found a so-called grocer's shop without groceries, should you prosecute him for breach of certificate?—I don't think I could prosecute him for that, but if he sold to be consumed on the premises as a publican, of course he would be liable.

305. Can you tell us whether any of those grocers who have received such licences, though they had applied for a publichouse licence, are not selling groceries at all, but merely keeping whisky shops?—I think in almost all cases there is the appearance of carrying on a grocer's business as well.

306. It might be confined to peppermint drops perhaps, or something of that sort?—Or tea and sugar.

307. *Mr Campbell Swinton*.—The great confectioners in the New Town have merely a publichouse licence?—Yes.

308. Then they cannot sell groceries?—No; they are prohibited from doing so.

309. They can sell bon-bons and fruit?—That is a difficult question.

310. Can they not sell sweeties or bon-bons and fruit?—Oh yes, they do so, and can do it, I believe.

311. Either to be consumed on the premises or off the premises?—Yes.

312. Do you draw any distinct line as to groceries? They can not sell tea and sugar?—No.

313. Bon-bons are looked on as cooked sugar?—Yes.

314. As cooked provisions?—Yes. There is one point which I wish to refer to, and that is the practice in the trade of supplying children with excisable liquors. In a recent case in the High Court, a conviction was quashed, and it was held, notwithstanding the terms of the certificate, that the dealer, whether a publican or grocer—for the words are the same in each certificate—was not liable if he in good faith believed that the child was simply a messenger.

315. However young the child was?—However young the child was. There was no exception whatever.

316. Was that a decision of the High Court of Justiciary?—Yes. Now I think it would be desirable as regards publicans and grocers to have a remedy for

that,—to have the certificate so worded that under no circumstances would children under age be supplied with liquors.

317. Can you give us the name and date of that decision?—It was the case of *Graham v. Laing*, 22d December 1876, and that was in effect the statement of Lord Young in delivering judgment. The conviction was quashed on that ground.

318. *The Chairman*.—You said you did not think the practice of selling in open vessels was common, because the practice was to bring a bottle. I suppose that means that persons very often bring a bottle and have it loosely corked at the time?—That is quite common. And there are instances where a grocer—I am glad to say they are not at all numerous—keeps bottles of sizes to hold from half a gill upwards, and the customer goes in, gets the bottle, goes outside, drinks the whisky, returns the bottle and gets back a penny or some small sum left in security for it.

319. *Mr Campbell Swinton*.—It has been represented to us, or at least it has often been alleged, that grocers are in the habit of entering as goods in their accounts what in fact is whisky, without explaining the kind of goods. Have you any experience or knowledge of that being the habit?—I cannot speak from positive knowledge, but I believe that that sometimes occurs.

320. Would it be possible to prevent that? Would it be possible to enact that a grocer or any dealer in liquors should be bound in his account that he renders, or in the book that he keeps, to specify what kind of goods it is that he supplies to his customers?—I am afraid it would be very difficult to check that if both grocer and customer agree about it.

321. *Mr Ferguson*.—Have you had no cases before the sheriff of accounts being refused payment, and the sheriff holding that they were not to be paid, because the grocer could not substantiate the entries to be actually grocery goods?—I believe there have been such cases.

322. *Sheriff Crichton*.—These cases are not brought before the Police Court?—No.

4. JOHN TAYLOR, Esq., examined.

John Taylor.

323. *The Chairman*.—You are a writer to the Signet and one of the bailies of Edinburgh?—Yes.

324. You are a member of Licensing Committee, are you not?—As a magistrate I am a member of the Licensing Court, but I am not a member of the Appeal Committee under Dr Cameron's Act.

325. You have taken a considerable personal interest in the granting of licences, I believe?—I have.

326. Have the magistrates of Edinburgh been endeavouring to reduce the number of licensed houses?—We have been considering them carefully at each licensing court with the view of reducing them where we could do so consistently with what we thought right.

327. Have you refused licences to houses otherwise suitable, on the ground that there was already a sufficient number in any particular locality?—We have.

328. And the result of your proceedings has been to reduce the number of publichouses?—We have reduced the number of publichouses very considerably, taking it year by year.

329. But, on the other hand, you have allowed the number of licensed grocers to increase?—They have increased.

330. Have they increased in spite of many refusals?—Yes, a good many refusals.

331. On what grounds have these refusals proceeded?—Unsuitability of premises, or that they were not required for the wants of the locality.

332. Is it your opinion that the number of licences now granted to grocers is as a rule not in excess of the requirements of the city?—A number have been granted which personally I was not in favour of granting.

333. It has been pointed out to us by Mr McLaren

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that in some poor parts of the city the number of grocers holding licences is very great. Have you noticed the number granted in such districts as the Grassmarket and Cowgate?—We have it that in the Canongate there are 47 licensed grocers, in the Cowgate 20, and in the Grassmarket 5?—In the Canongate I think there are 23 grocers and 17 publichouses, in the Cowgate 20 grocers and 11 publichouses, according to last year's list.

334. But such being the numbers approximately, is it your opinion that they are in excess of the requirements of the district?—I think they are.

335. Has the multiplication of such licences tended to admit sellers of a lower class?—A great many of the shops are very small, and there were a good many which I visited with the view of transfer, which certainly if I had been called to sign a certificate for an original licence I could not have certified as suitable in my opinion.

336. Have the magistrates been particular in requiring that premises should be shut off from dwelling-houses?—We are very anxious to do that where we can. I don't think we have done it sufficiently.

337. Even in the case of new licences?—In regard to new licences, in general I think there are not many that are connected with houses; but I certainly think that no house should be connected with licensed premises.

338. Have you been in the habit of granting grocers licences to persons who have applied for publichouse licences?—No,—not if they apply for a publichouse licence and it is refused.

339. You don't think you ever gave them a grocer's licence though they have applied for a publichouse licence?—I don't know whether in the case of one or two confectioners we may not have done it. Certainly I know we did not give them all that they wanted; but I rather think it was only a restriction of the publichouse licence by confining them to wine and beer, and not giving them it for spirits.

340. For how many years have you been a magistrate?—For nearly six years.

341. Can you say that during that time the magistrates have not granted grocers' licences, except in the instances you mention, to persons who have applied for publichouse licences?—Certainly not upon their publichouse application. It is perfectly possible that premises refused a publichouse licence one year may have got a grocer's licence next year, and so a person having been refused a licence for a publichouse may next year have applied for a grocer's licence: whether any may have been granted in that way I do not know, and cannot undertake to say, but these cases could not have been very many.

342. *Mr Campbell Swinton.*—But it is competent for a magistrate, is it not, when a man applies for a publichouse licence, to say 'No, I won't give you a publichouse licence, but I will give you a grocer's licence,' without any separate application?—I have no recollection of any such case ever having come up.

343. Does a man ever present an alternative application for one or the other?—I never heard of it.

344. *The Chairman.*—Do you know if persons apply for a grocer's licence to sell spirits when they are not grocers by trade, but make the selling of groceries subordinate to the selling of spirits?—No, I don't know of that, but I have in my own experience met with persons who have been grocers and have applied for the licence, and on visiting them I have asked the reason, and they have said that their business would not pay without it.

345. But do you know of persons opening licensed grocers' shops for the first time under licences, they not having previously been grocers at all?—Some persons apply for a licensed grocer's certificate who have not been brought up to the trade. There certainly have been instances of that.

346. *Sheriff Crichton.*—Do you make inquiry whether or not they have been in the trade?—One of the questions which they answer in their application is whether they have been bred to the trade; and the magistrates in visiting them inquire into that point, and that is taken into consideration in granting or refusing the licence.

347. And it would be against the applicant that he had not been bred to the trade?—It would.

348. How do the magistrates act with reference to convictions that have been obtained against grocers, when they apply for a renewal of their licences? Is there any rule with regard to that?—There is no rule. Personally I hold that if a man has been convicted of any serious breach of certificate, that should be a disqualification, as not being a fit character.

349. And you personally would refuse the renewal in such a case?—Personally I would, and I have moved the refusal where a person has been convicted for selling on Sunday. I would not necessarily do so in the case of selling a little before 8 or a little after 11, because that might be explained, and the man might not be himself responsible for it; but as to the more serious offence, I think personally that it should be a disqualification.

350. With reference to the magistrates generally, how do they act in that respect?—They have refused a renewal in several such cases. Others have been granted.

351. *Mr Campbell Swinton.*—Have they been granted where there has been more than one conviction against a man? Has a man been granted a renewal who had been more than once convicted of breach of certificate?—I recollect of one case where there were two convictions.

352. *Sheriff Crichton.*—And the certificate granted?—And the renewal was granted.

353. *The Chairman.*—Would you tell the Commission in what respects you think the existing law with respect to licensed grocers is capable of amendment?—There are several. I would wish very much an alteration to the effect that transfers should not be granted except at the half-yearly courts.

354. *Sheriff Crichton.*—Are you confining yourself to grocers just now?—The same remark applies equally to other licences.

355. *The Chairman.*—That is, I suppose, to guard against applications being loosely granted?—Two justices may now grant them; and although we have a rule among ourselves that two magistrates don't grant them, and that we have a meeting, still there is not the publicity which there is at the half-yearly courts.

356. Would you make the transfers of licences subject to the same restrictions as the granting of new licences under Dr Cameron's Act?—I don't approve of Dr Cameron's Act as to new licences at all. I think it is a very unfair Act in regard to the granting of new licences.

357. In what respect?—In the first place there is a confirmation from the Joint Committee required by an applicant if the certificate is granted by the magistrates, and that even though there is no objector to the licence; and again an objector can appeal to the Joint or Confirming Committee against the decision of the magistrates granting the certificate, while on the other hand no appeal is competent to an applicant if the certificate is refused by the magistrates. The application, in short, comes before the magistrates, and they with their local knowledge decide it; and yet their decision goes for nothing, although nobody takes any objection, unless it is confirmed by this committee, who have not the personal knowledge which the magistrates have, and the party who visited the premises is not a member of the court at all it may be, and is not present to give any explanation about it.

358. Your remarks at present are applicable only to the city of Edinburgh?—Of course all my knowledge is with reference to the city; but I hold the general principle that there should be a right of appeal to both parties or to neither.

359. Turning to the other side of the question, as to the unfairness of an appeal from the larger body to the smaller, the magistrates are represented on this appeal court, are they not?—They are.

360. So that if the magistrates have the local knowledge, half their body sit in the appeal court?—But our practice here, owing to the number of licences and the short time we have, is that the applications are distributed among the magistrates, and we visit the premises and make inquiry as to the individual; in

Edinburgh 3 out of the 6 who do that duty, or it may be, as at present, 4 out of the 6 who do that duty, are not on the appeal court, and therefore the appeal court cannot have the information which the magistrates got by personal investigation.

361. Is there any other respect in which you think the law requires amendment?—I have already referred to the importance of having no dwelling-house connected with the premises.

362. *Sheriff Crichton*.—You think an alteration should be made in that respect?—I think it would be very advisable.

363. *Mr Campbell Swinton*.—Would you not even allow them to be under the same roof?—You could not prevent them being under the same roof in Edinburgh.

364. We have been told by the last witness that they should not be under the same roof even?—I do not see how you could do that, with common stairs, where you have the shop in front and a house behind or above. They could be perfectly well separated although under the same roof. If there is a thick stone wall between them, that is enough.

365. You mean that there should be no open communication between the two?—Yes.

366. *Mr M'Lagan*.—I suppose you would object to having back doors to grocers' shops?—I think there should be no back door for publichouses or grocers.

367. *Sheriff Crichton*.—Is it a general rule with the magistrates of Edinburgh to allow no back doors for grocers' shops?—I think I may say it is almost a rule with us in granting licences to require that to be so. There may be cases where it has not been so, but as a rule it is our desire certainly.

368. *Mr Ferguson*.—In the cases of large grocers' shops, where they have large quantities of spirits going out, have they not a back cart entry by which they are taken out?—That is quite possible.

369. Take for example Dymock & Guthrie in George Street, do they send out all their groceries through their front door?—I have no personal knowledge as to that.

370. *Mr M'Lagan*.—But you would not approve of their having a back entry?—I don't think you can make a law for one and not for another. There might be no harm in their having two doors, but the law must be the same for all. Then farther, I think it might probably remedy some of the evils complained of if the hours were shorter, and of course this also applies to both. I see no necessity for grocers' shops being open till 11 o'clock at night.

371. *The Chairman*.—If they have a licence to sell spirits, you think their business hours should be limited to publichouse hours?—They are, just now.

372. Their right to sell spirits is so limited, but you think they should not be allowed to open their premises except during the hours when the sale of spirits is lawful?—Certainly I think they should not be allowed to open them when selling spirits is unlawful, but I would even restrict the hours during which they could sell spirits.

373. You would further restrict them?—I would. I don't think there is any necessity now, with the short hours of working men, for shops being open till 11 o'clock at night. It may have been all very well when workmen were working till 9 or 10 at night, but workmen now get away from their work at 5 or 6, and there is no necessity for the shops being open till 11.

374. *Mr Campbell Swinton*.—Do you mean that grocers should be more restricted than publicans?—I would apply it equally to both. You may only be able to deal with the grocers, but I would certainly apply it to grocers and to the others also.

375. *The Chairman*.—Would you put the grocers under a stricter law than the publichouses?—I don't know that I would wish that, but if I considered an earlier hour was a better thing for the community, I would take what I could get, though I could not get the whole of it.

376. *Mr Campbell Swinton*.—What hour would you name for the grocers?—I never thought what particular hour, but I think 9 or 10 o'clock might quite well be named. I would further suggest that when a transfer

is applied for, the same certificate as to the suitability of the premises and the character of the party should be required before the court can entertain it. The visiting of the premises and the certifying as to their suitability is only required in the case of original grants. In Edinburgh practically we do visit them, but I would suggest that that should be provided for.

377. *The Chairman*.—Is that all you have to say with reference to amendments?—As far as I recollect at present.

378. *Mr Ferguson*.—Has there ever been any attempt by the magistrates of Edinburgh to shorten the hours of selling?—No.

379. There was such an attempt in Rothesay, but it was over-ruled?—Yes.

380. *The Chairman*.—I understood you to say that the magistrates inquire generally whether a man applying for a grocer's licence has served an apprenticeship to the trade?—One of the questions in the application is whether he has been bred to the trade, and that is one of the points of course which the magistrates inquire into when they personally visit.

381. Do they refuse a licence when he has not so served an apprenticeship?—It is taken into consideration.

382. Do you think it ought to be made a condition?—I think if you are to restrict the trade, it is not perhaps quite fair to parties who are brought up to it that you should admit others who have no special knowledge in competition with them.

383. Have you any reason to believe, as has been stated to the Commission, that there is a practice of treating the police to induce them to wink at evasions of the law?—I don't know anything about that, and I think no one should make such charges unless they are prepared to prove them.

384. The magistrates have no reason to believe that such is the case?—We have no reason to believe it.

385. When a licence is applied for, are the police books examined to see if there be anything against the applicant?—Upon the application there is a report in which the police are to certify whether there is anything against the house or against the applicant.

386. *Sheriff Crichton*.—Do you think grocers should have liberty to sell in small quantities as they have now?—I think that is just one of the very difficult questions which I confess I have no decided opinion upon. I am rather inclined to think it would do more harm than good to compel them to sell large quantities.

387. *Mr M'Lagan*.—In what respect?—If it was necessary that a person should have spirits—it may be as medicine—I think it would not be conducive to morality or propriety if you compelled them to buy a bottle when they only required a glass. That would be only giving them a bottle at home to make use of at other times.

388. *Sheriff Crichton*.—Then you would make no change in the law in that respect?—I don't know that I would, but I confess I have no very strong opinion on the subject. The more I have studied the matter the more difficulty I have found in coming to a conclusion on a great many points, when I see the difficulties connected with them.

(See also App. D, p. 504.)

5. Rev. WILLIAM TURNER, examined.

389. *The Chairman*.—You are superintendent of the Edinburgh City Mission?—Yes.

390. How long have you had charge of the City Mission?—For five years.

391. During that time have you had opportunities of observing the effects of drinking in various ways?—My opportunities are simply through the information I receive from the missionaries and Bible-women of the town. I come very little myself in personal contact with these shops or with those that frequent them, so that the evidence I have to give is in that way second-hand.

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392. Have you used your best means to verify it?—Certainly, I quite believe it. I believe that those who informed me on the subject are entirely to be believed. They would not tell me anything that is untrue or exaggerated.

393. Then the statements you make to us are made to you by persons in whom you place reliance?—Certainly.

394. What statement have you to make on the subject?—I may take the liberty of presenting a memorial to the Commissioners. [Hands in memorial.]

395. Would the parties who sign this memorial not come before us?—A number of them to whom I have spoken on the subject have great scruples about appearing personally, and I myself as superintendent of a certain number of men who go abroad among the community would scarcely sanction their appearing lest what they say should act injuriously upon their work.

396. If the Commissioners desired to see some one in private who would be indisposed to appear in public, would there be any objection to that?—I presume they would have no objection to that. The memorial was then read as follows:—‘We, the undersigned, being male and female missionaries in Edinburgh, hereby express our firm conviction that the facilities for obtaining spirits, wines, and malt liquors which are provided by the grocers’ licences have a most injurious tendency. We have good reason for knowing that by many of the holders of these licences the law is constantly violated, so that their premises are practically little better than publichouses under another name. We are, moreover, of opinion that these licences afford encouragement to secret or domestic drinking, and especially to tipping among females, and that many of the young are thereby enticed into habits of intemperance. Our daily experience shows us that no vice is so powerful as intemperance in obstructing our efforts as religious teachers in behalf of the moral and spiritual welfare of the poorer classes of the community; and we regard the separation of the sale of intoxicating liquors from that of food as one very important practical step towards the mitigation of the miseries which result from the prevalence of this vice.’

397. Who is the memorial signed by?—I ought to explain that it was at one time intended to apply to all the territorial ministers in the city, but I have had no opportunity of presenting it to any except Dr Thomas Smith, minister of Cowgatehead Church. It was presented to one other of that class, who I understand declined to sign it.

398. I observe it is signed by 29 persons?—I believe so. It was written by myself on Tuesday, and I have not had an opportunity of presenting it to more,—except two more, who declined for different reasons to sign it.

399. *Sheriff Crichton*.—Are they city missionaries?—And Bible-women.

400. *The Chairman*.—When you say that it was drawn up by yourself and presented to them for their signatures, how can you say that the statements contained in it are derived from the reports of those by whom it is signed?—I tried to embody in it what I gathered from these reports, and those who sign it read it over, and approved of it, of course.

401. Did all the persons who signed it say that within their knowledge the law is constantly violated in these particulars?—They have reason to believe it, I presume. I think that was their meaning.

402. *Mr M'Lagan*.—They use the expression ‘conviction,’—that they are convinced?—Yes.

403. *The Chairman*.—Have you reason personally to believe that there is frequently an evasion of the law in respect of drinking on the premises of grocers?—I asked one who has had good opportunities of observation to state to me in writing what he had to say on that point.

404. Is that a name you can give to us?—It is one of the names attached to the memorial; and he says, ‘I have known at least one grocer in this city who did so,—that is, allowed drink to be consumed on the premises. My informant goes on:—‘This man carried on his trade in a neighbourhood where several large

‘workshops and factories were situated. Generally his place of business was opened in the mornings long before regular publichouses, and many working men, availing themselves of this early opportunity to get drink, patronized him. Their practice was to have the liquor in a small bottle or jug, and I have seen these customers consume the contents of their vessels at least within the threshold of said premises. I may explain that my home was situated directly opposite this shop, and therefore had many opportunities to see what I have stated above, as well as to remark that this place altogether was a source of much temptation and hurtful snare to very many families in the neighbourhood.’ I can refer to others, if necessary.

405. Who is your informant?—A city missionary.

406. Is he a gentleman who would be willing to come here?—I am doubtful if he would be willing to appear publicly.

407. *Mr Campbell Swinton*.—Would he come privately?—I presume he would not object.

408. *The Chairman*.—With regard to what you were stating just now, if these working men were not able to buy their spirits at a licensed grocer’s, they would go to the nearest publichouse, would they not?—They have an objection to go to a publichouse; there is not the same objection to going to a grocer.

409. But the person from whose report you have quoted stated that he was able, from the opposite side of the street, to see working men going to a grocer’s shop, and buying whisky, and drinking it on the threshold?—I believe this was before the time when the publichouses were opened in the morning.

410. Then that in itself you represent to be the evil—that they should be able to buy spirits and drink the spirits at those shops at hours when the law has forbidden it?—Yes, it is a violation of the law.

411. You are aware, are you not, that the practice your informant described, of selling spirits before the legal hours, is a breach of the law?—Yes.

412. How is it that this was openly done? Can spirits be drunk outside the house in illegal hours to any extent without prosecution following?—I cannot explain the laxness of the policemen. My informant goes on to say: ‘I have been told by working men that they have had drink from grocers, and been allowed to use it on their premises, of course not after the fashion of the regular dram-shop, but behind some handy screen stealthily.’ And he adds: ‘From my wide and somewhat varied intercourse with the humble classes of this city, I have not the smallest doubt on my own mind but that this is by no means an uncommon practice.’ This is all that that informant tells me as to drinking in back shops. I have had information, however, from other missionaries. Among others, I have had information from one who, like the friend from whom I have just quoted, lived opposite a licensed grocer, and who had occasion to observe carters and others going in regularly on a morning, and coming out, having the appearance of drinking whisky—such as wiping the lips, and so on. That same friend told me that at one time he was an employer of labour, and he knew that some of those he employed indulged in this habit on a morning.

413. Can you give privately to the secretary of the Commission the names of those gentlemen you refer to, so that they may come and speak to that effect if they think proper?—I can adopt the course you suggest. My opinion is at second-hand.

414. *Mr Campbell Swinton*.—Did you suggest to those parties that they ought to give information to the police of such open violation of the law?—I don’t know that I have suggested it. It is a very obvious course; and I should think the police themselves, who have the duty of looking after these things, might see it.

415. *The Chairman*.—Have you read all that appears in the paper before you?—I have further statements here affecting another question, which I understand has been before the Commission, namely, fictitious entries in pass-books and accounts. I shall read what my informant says on that point:—‘As to the second point, that touching the practice of these grocers making

'fictitious entries in customers' pass-books with intention to deceive, I wish to say that on speaking on his subject to a respectable married woman recently, she said that her mother, who she was sorry to say had been given to drink, had got this done "hundreds of times," and that not in one grocer's shop merely, but in several throughout the city where the family had been supplied from week to week during a long period of years. The father of this family, a hard-working, worthy man, had these grocers' pass-books under his eye every week, but often made the discovery that many a loaf of bread and half pound of butter marked therein represented not these indispensable commodities, but so much whisky, which his foolish wife had got these unprincipled grocers to give her instead. On asking my informant whether she knew of any other case where such things were done, she at once assured me that, to her personal knowledge, a neighbour of hers, a respectable working man's wife, had carried on this system for a long period, getting drink and having it entered in the family account with the grocer as some article for domestic use.' On this same point I tried to find some definite case, and I had the following told me the other day by a Bible-woman, a person on whose veracity I can entirely rely. She has to do, as I understand, with a woman who had been given to drink, and who was pressed for the payment of an account by a grocer, whose name my informant had forgotten. I could name the locality, but I would rather not. The whole account amounted to 25s. 6d.; and of that sum 14s. 6d. was made up by entries under the head of 'sop,' leaving 11s. for grocer's goods. When the woman was asked what this 'sop' meant, and how much soap she had got, she confessed it meant whisky, which had been entered in that way out of fear for the indignation of her own son. The account went before a court—the Small Debt Court, I presume; and there the 14s. 6d. put down for soap was disallowed, and decree given for the payment of 11s.

416. There would, I presume, be no difficulty in obtaining the names of the parties in that case?—I don't know to what extent it has been published.

417. It came before the Small Debt Court, did it not?—I was told of it in talking with other persons, and was informed that they kept no records there.

418. But there would be no objection to giving the names occurring in a case which has been in the courts?—I can only give the name of my informant; and that I can hand in to the secretary.

419. Is there any rule among your missionaries of total abstinence?—No there is not. I believe that most of them are total abstainers. I know that some of them are not. I am not myself a pledged abstainer or a member of any teetotal society or of any good templar lodge or anything of the kind. I regard myself as unprejudiced in the matter, and I rehearse what I have heard reported to me.

420. Do you know whether the poor prefer to resort to shops for the spirits they think they require rather than go to the publichouse?—I should say that that depends upon circumstances. Certain classes of the poor have no scruple in going to publichouses; but on the other hand many have such scruples, and prefer going to the grocers' shops.

421. Of course I mean the poor of the class who desire to keep themselves respectable. Is it thought more respectable to go to the grocer's?—Yes. It is hardly thought respectable to be seen going into a publichouse in that way.

422. Have you any other statement to make?—I had a similar statement of the evils of fictitious entries from another Bible-woman. It is virtually of the same sort as the instance I have already described. In this case the Bible-woman had been asked by a lady to look after a certain person in the district which she visited to see how she expended certain sums given by the lady. The Bible-woman found that the person in question had run up an account of 25s. to a grocer, and upon questioning her with reference to the particulars of that sum, she found that about a half was for drink, while there was no drink put down in the bill itself. These are the only

two very definite cases I have to present to the Commissioners in regard to that point. At the same time they all assure me that in speaking to the poor people on the subject the doing of such things is declared to be a notorious fact.

423. Will you have the goodness to inquire whether some of those who sign the memorial will come and testify to what is within their knowledge, it being understood that we shall be informed if they do not desire to appear publicly?—I shall be happy to do so.

424. *Mr Campbell Stinton.*—In regard to the respectable class of poor people if the grocers were entirely prohibited from selling spirits, would they go to the publichouses to supply their families? Would they go for drink to the publichouses, not for the purpose of the drink being consumed here, but in order to get the liquor they wanted?—really can't say. Probably some of them would and some would not. Those who had a strong desire for drink would go where they could get it. I should refer to another point mentioned in the memorial, viz, that which bears upon children learning to drink through their being sent to those places. I am very often told by missionaries and Bible-women that they have seen children tasting the liquor which they were sent for—putting the bottle, or jug, or cup, or whatever it was, to their mouths and tasting it.

425. *Mr Ferguson.*—it really a habit with such people to send their young children for drink?—I understand it is pretty common to send their children for drink.

6. Mr ALEXANDER MACGREGOR, examined.

426. *The Chairman.*—You are in business as an unlicensed grocer, are you not?—Yes, at 13 India Place.

Alexander Macgregor.

427. Have you prepared any statement to make with reference to the subject of our inquiry?—No; I am prepared to answer questions.

428. Have you yourself served a regular apprenticeship to the trade?—Yes.

429. Have you held a licence?—No.

430. Have you served in any licensed house?—Yes, I served my apprenticeship in an unlicensed place of business; and I served four years as a journeyman with a licensed grocer.

431. Is it in your experience that the possession of a spirit licence improves the custom of a place of business?—Yes.

432. In the sale of groceries as well as in the sale of spirits?—Yes.

433. Do people like to buy all they want to buy at the same house?—Yes.

434. Is that the case in many cases for procuring a spirit licence?—I believe it is very often.

435. Do you wish to state the places in which you served?—I decline to state them.

436. Over what period of time did your engagements extend?—From two years downwards.

437. During the years you have mentioned did you see a good deal of the sale of liquor in small quantities?—Yes.

438. Did you see any cases of breach of the law in consuming liquor on premises?—Yes.

439. Was that very common?—It was in some localities of the town.

440. Was it common in shops where you served?—Yes.

441. What classes of houses were those in which you served?—Some in the poorer localities, and some in the more respectable localities of the town.

442. How did the taking place—in the open shop?—Occasionally, not frequently in the open shop.

443. Then as a general rule how and where did it take place?—In the shop or behind any screen, so as to save the appearance.

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Macgregor.

444. Did this go on all day long?—That depended entirely on the locality. There is not a demand for it in some localities in such a way, but in others there is such a demand. Where there was a demand they had the supply during the day.

445. Your evidence is a little vague at present. You told us that you served in several houses: can you give us the exact number of licensed houses in which you served during the four years referred to?—I have served in five houses.

446. And the practice you have described was the practice in all those places, was it?—More or less.

447. *Sheriff Crichton*.—Can you describe the circumstances of the evasions?—I think I have told that.

448. At what time of day did they take place?—In the morning and very frequently at night; but also during the day.

449. Was it before 8 o'clock in the morning?—Seldom.

450. Was it after 11 o'clock?—I have no experience personally of its being after that hour.

451. But it took place during the day, did it?—Yes.

452. Can you say how often during the day?—That depends on the locality. In one locality the breaches were numerous and in others very rare.

453. Did it amount to half a dozen times during the day?—In some localities few and in some much more.

454. *The Chairman*.—Where the sales were made were they made to men?—Yes.

455. Were they also made to women?—Sometimes.

456. And to children?—Often enough to children in small quantities; but not to drink.

457. But the sales always took place in bottles or sometimes in open vessels?—Sometimes in open vessels.

458. Does that apply to all the shops in which you were?—No. In some of the places sales in open vessels did not occur.

459. What was that because of?—Because of the locality in which the shop was situated.

460. Then it did not happen to be the practice there?—No.

461. Were you never afraid of the police while those things were going on?—We evaded them if possible; but they are very lax in regard to their duties.

462. Are you not aware that it is not their duty to go into a shop unless they believe that something of the sort you have described goes on?—Yes.

463. Do you still think they might have known what was going on?—Oh yes, they know perfectly well.

464. Had you reason to believe there was any tampering with the police?—I am aware that they are sometimes treated, but I cannot say that it is done for a particular purpose.

465. In such a matter you must be precise: have you known of a glass of whisky being given by one of your employers to a policeman?—Yes.

466. Was that drunk in the shop?—Yes.

467. Have you often known of such a thing?—Not often, but pretty frequently.

468. Within your knowledge were those sales of spirits you referred to sometimes on credit?—Yes.

469. Were the sales put down in a book as sales of spirits?—Yes.

470. Were you ever aware of spirits being sold and the sale being entered as for something else?—Personally I have never been aware of that.

471. Do you think that credit is sometimes given to purchasers because they buy spirits—purchasers who would not get it otherwise?—No; I don't think that; but a good number of persons get credit for spirits because they purchase groceries. That is to say, before a credit account could be opened in a shop, the merchant would not open it if it were only liquor the parties were consuming from him.

472. Could a merchant recover for spirits if they were so debited, provided the parties were dealing in groceries too?—No.

473. In any of the shops in which you served was the sale of spirits the principal thing and the sale of groceries second to spirits?—No.

474. Then they were honest grocers' shops, but only selling spirits?—Yes.

475. You have told us that the possession of a spirit licence brings more custom to a shop: I suppose there is a certain jealousy among unlicensed grocers with reference to business going past their doors?—That depends entirely on circumstances. If one man has applied for a licence and been refused, he may be jealous of those who get it. But there are others who are unlicensed on principle, and who know when they start what they have to compete with. These men are very unfairly weighted. They are in an unfair position, and unable with the same advantage to compete for trade with the licensed grocer.

476. *Mr Ferguson*.—Can you of your own knowledge say whether licensed grocers undersell unlicensed grocers in point of the price of groceries?—There may be instances in which they do so in exceptional things; but I don't think that is frequently the case, or that it is common.

477. *Mr Campbell Swinton*.—If the power to sell spirits were taken away, do you think it would be necessary for the licensed grocers to raise the price of their groceries?—Yes.

478. In order to make a living?—Yes, but only if the same number of grocers were to remain in the trade.

479. It has been represented to us that it would be a loss to the working classes if the grocers found it necessary to raise the price of groceries?—If the same number of grocers were to remain in the trade as at present, if they were all to get a living and pay their creditors, they would certainly require to raise the prices; but I believe that if separation were made the number of grocers would be reduced.

480. May not that influence men in your position to a certain degree who are not licensed, in wishing to see the licences reduced: I do not apply the remark to yourself personally; but may not that be so?—Yes.

481. *Mr M'Lagan*.—Are you teetotal, Mr Macgregor?—No.

482. Did you ever apply for a licence yourself?—No.

483. Where were the localities in which the law has been most evaded in your experience?—I speak altogether of Edinburgh.

484. In what part of Edinburgh was the law most evaded?—In the poorer localities.

485. Do you mean in the Old Town?—Yes.

486. You spoke of drink being given behind a screen: was that screen permanent?—Not necessarily permanent. Sometimes there might be boxes behind which the drink might be given. In other cases the stock might be so arranged as that a recess existed. For instance, a butter case containing butter, or indeed anything sufficient for concealment, might exist in such a way as to serve the purpose.

487. But one of the objects in having the screen was to prevent the person taking the drink being observed from out of doors, was it not?—No, I am not aware of any screen having been erected for that purpose.

488. Do you think the back-shop was kept partly for that purpose, or was it necessary in the cases where a back-shop existed to have it?—It was necessary for it to be there as an office or a warehouse for keeping goods.

489. Are you aware of any cases where an evasion of the law took place of the spirits or wine being drunk in the house of the grocer who sold them?—No.

490. Then in your experience the drink was never taken from the shop to the grocer's house to be consumed?—No.

491. In places where you served as journeyman, did the shop communicate with the house of the grocer?—In no case.

492. *Mr Ferguson*.—In any of the places where you served did any instances occur of servants being treated with spirits who had been sent for groceries by their masters or mistresses?—I have no personal knowledge of such cases.

493. *Mr Campbell Swinton*.—Have you any knowledge of servants sent to pay bills getting a glass of whisky as a compliment?—Yes, I have seen that sometimes.

494. Have you seen it given to them—not sold to them?—Yes.

495. *The Chairman*.—Is it not the case that payment of whisky of less value than 20s. put down to account cannot be recovered?—I believe so.

496. Nevertheless there were small quantities sold and put down in the books, were there?—Yes.

497. *Mr Campbell Swinton*.—If the account had been disputed the payment could not have been enforced, could it?—No.

498. Have you any desire to hold a licence yourself?—No.

499. Why?—On principle. I don't think it is nice. Certainly in some localities the trade might be carried on, and one be still respected and consider himself in a respectable trade; but in other localities I consider it would not be respectable.

500. *Mr Ferguson*.—In the place where your own shop is situated, would selling of liquor lead to temptation of that kind?—I believe so.

501. Would it bring a character of business to you which you don't want to cultivate?—Yes.

502. *Mr Campbell Swinton*.—Had you any particular reason for changing your place of employment so frequently as you did?—Yes. I changed for the purpose of advancing myself.

503. *Mr M'Lagan*.—Did you change from one place to another to get a higher salary?—Yes. I may state that I never left any situation during the four years I have mentioned through any fault found with me. It was for my own interest to change.

504. *Sheriff Crichton*.—Were you dismissed?—No.

505. *The Chairman*.—So far as you know, were goods ever entered in a pass-book when whisky was sold?—Never.

506. *Mr Campbell Swinton*.—Judging from your experience of keeping a shop in your present locality, you think you have as respectable a class of customers and as useful a class on the whole as you would have supposing you had a licence?—No.

507. They are not so remunerative, are they?—No. Nor so respectable—I mean in regard to their social position.

508. I am afraid you misunderstand: Would you have as respectable a class of customers if you had a licence?—If I had a licence I might have both classes. People in a good social position like to order liquor from their grocers. If I had a licence, however, it would no doubt bring a good many of the poorer class—habituals, for instance—which would be disagreeable to me.

509. Therefore, on the whole, you prefer not to have a licence, do you?—Yes.

510. *Mr M'Lagan*.—But if you could keep the better class of customers you would prefer to have a licence, would you not?—No.

511. Suppose you were not to get a bad class of customers, or the lower class of customers, but retain the better and respectable class, you still would not have a licence, would you?—Well, in point of preference I would rather be without a licence. At present, however, we labour under the difficulty of obtaining a trade without a licence; and certainly, if my trade were not sufficiently remunerative to maintain me as an unlicensed grocer, I could then enter more freely into the licensed trade, providing the locality were respectable, and inhabited by people who were not likely to abuse the liquor.

512. From so many people going to grocers' shops and getting their drink there, do you not suppose that it is necessary that there should be some place for them to go to get their drink other than publichouses?—No, I don't think so.

513. Would you deprive them of their drink altogether?—No.

514. How would they then supply themselves?—I think that if wine merchants were granted licences for the sale of liquors it would simplify matters very much. The law could then be enforced, and people would still get their liquor.

515. Then you propose that another class of houses

should be licensed, and the sale of spirits prohibited in grocers' shops?—Yes.

516. *The Chairman*.—Do you belong to an association for the procuring the abolition of grocers' licences?—No.

517. *Mr Campbell Swinton*.—Does such an association exist?—I am not aware of it.

518. *The Chairman*.—Do you belong to a committee which has that object in view?—I am not aware of its existence.

519. Then you are not acting in co-operation with others for any such purpose?—Well, I may say that I have seen one or two members of the unlicensed trade in regard to this Commission, and have had a talk with them about it in that way, but there have been no other arrangements.

520. Is there an unlicensed grocers' association?—No.

521. *Mr M'Lagan*.—Is there not an organisation established for the purpose of bringing witnesses for the unlicensed grocers before this Commission?—No, I think not. There are some parties who are taking a more prominent part than others in connection with this matter; but I am not aware of any organisation for that purpose.

522. Still these gentlemen are principally unlicensed grocers, are they not?—Yes. I may state that in thinking who would come forward as representatives of the unlicensed trade to give evidence before you, there was a little difficulty in finding people to do it. That may have induced other members of the trade to call on those who were thought likely, but no organisation such as has been mentioned exists.

523. *The Chairman*.—Then you offered your evidence, did you?—Yes.

7. Mr JAMES SALMOND, examined.

524. *The Chairman*.—You are an unlicensed grocer at No. 70 South Clerk Street, Edinburgh?—I am.

525. You were formerly a commercial traveller, were you not?—Yes.

526. In which trade did you travel?—For provisions alone.

527. For how many years?—About 5½.

528. In the course of your business had you to call upon both licensed and unlicensed houses?—Yes.

529. Was your business chiefly among the high or the small class of shops?—Not among very high class shops. I did not call upon such firms as Dymock & Guthrie's or Innes & Grieve's, but I called upon those who were doing a good working-class trade, and upon the smaller shops.

530. Was that entirely in Edinburgh or in the country?—I travelled from Hawick in the south to Montrose in the north and Stirling in the west.

531. During your practice as a commercial traveller, did you see a good many breaches of the law in respect of drinking in grocers' shops?—A very great deal.

532. What you are now going to tell us took place under your own observation?—I saw it all. I speak of nothing but what I myself saw.

533. Did you keep notes?—I did.

534. Notes you mean of the cases you witnessed?—Yes.

535. Can you tell us the number of cases of which you have kept a record?—I have a statement before me, which I shall just read:—'For my own information and in connection with the discussion of social questions in debating societies to which I belonged, I kept accurate notes from month to month of the drinking on the premises which I personally witnessed. The result of these notes is that during six years I witnessed 2726 cases of drinking on the premises in the course of 5372 calls. I hand in to the Commission a table made up from my notes showing the towns where the calls were made, the number of calls, the number of cases of drinking on the premises, and the time during which

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'the calls entered under each town extended. The drinkers were generally men, but sometimes women; sometimes it was in back-shop, sometimes in front shop. Many of the drinkers were of the class who would not have gone to the publichouse. In the class of shops I visited there was practically no bottle trade except in beer. Little else than publichouses without the name. About a fifth of the whole number might be called "sham grocers." The quantity of groceries they sold was quite insufficient to keep them alive. The appearance of the shops showed that. Of the one-fifth just mentioned the mass would be shut up by the restriction to sealed quart bottles. But in regard to the remaining four-fifth things would remain as bad as ever in the way of back-shop drinking, and in the way of facilities for women getting drink. The only way to put down back-shop drinking entirely, and to limit these facilities, is to separate the liquor and grocery trades.'

536. *Mr Campbell Swinton*.—If you only sold in sealed bottles, would they draw the cork and drink on the premises?—I believe they would.

537. Would they not prefer to take the bottle away? Why should they prefer to draw the cork and drink it on the premises?—That would depend on the quantity they wanted. If they wanted only a nip or half a nip, they would draw the cork. I don't see anything to prevent them. They might draw the cork and take away the rest. They might do the same thing even though the grocers were restricted to barrels, and remove the remainder, unless they wanted to divide it with the grocer or with any friends. Possibly to hide it from their wives and friends they might take the liquor in a shop.

538. Would they take so much as a whole bottle?—I have seen more than a whole bottle demolished in a grocer's back-shop.

539. But by a party, and not by one individual?—Exactly.

540. But then would not the selling of a sealed bottle prevent this being done by individuals?—The statement from which I have read was not just made at the time, and it hardly embodies my exact opinions. I did not say that the selling of a bottle would prevent back-shop drinking entirely. My own opinion is that if the grocers were restricted to quart bottles, or even to pint bottles, the drinking in back-shops would be very much diminished. At the same time I do not say that it would put it down. I don't believe that it would put it down. The paper before me goes on to say: 'and place the wine and spirit shops which would then be created under the same police superintendence as publichouses. Licensed have an advantage over unlicensed grocers, because people like to get everything at one place. They also have an advantage in the value of their licences, enabling them to command an increased price for their business. In eight out of ten cases where transfers are applied for, the licence has already been sold to the applicant on the faith that the transfer has been granted.'

541. By licence sold you mean, I suppose, the goodwill of the business?—Yes. I have here attached a statement of the reasons I had for taking the notes, which I shall also read to the Commission. 'I marked each case as it occurred in my traveller's book. When a number of men drank together I counted that as one case. Sometimes there are more cases than calls; but this was because that I would be sometimes half an hour or a more in a shop, and many unconnected parties would come in. My traveller's books were so numerous that I destroyed them a few months ago. Before destroying them I took out all the entries relating to back-shop drinking, and the abstract produced was then made up. This abstract was published in the *League Journal* some time ago.'

542. *The Chairman*.—You have attached to that statement a list of the towns where the cases were observed, and the number of the cases you observed, have you not?—Yes.

543. Perhaps you will now read the names of the places and the number of the cases?—They are as follows:—

Places.	Calls.	Breaches.	Time. Months.
Perth	70	91	18
Dundee	193	223	20
Arbroath	71	43	20
Montrose	21	18	20
Brechin	13	7	20
Forfar	72	23	20
Kirriemuir	43	59	20
Broughty Ferry	47	11	20
Lochee	113	47	20
Cupar-Fife	49	10	20
St Andrews	37	29	20
Kinross	41	33	20
Milnathort	21	9	20
Stirling	72	59	24
Alloa	159	92	24
Sauchie	72	91	24
Falkirk	168	73	24
Linlithgow	96	23	24
Kirkliston	20	17	24
South Queensferry	91	51	24
Galashiels	120	31	24
Selkirk	111	47	24
Hawick	180	41	24
Peebles	80	19	24
West Linton	10	3	24
Pennicuik	72	31	24
Prestonpans	60	29	24
Musselburgh	51	23	24
Dalkeith	47	19	24
Bonnyrigg	72	59	24
Lasswade	27	13	24
Loanhead	47	33	24
Auchterarder	52	30	12
Blackford	19	7	12
Dunning	21	11	12
Muthill	39	27	12
Errol	24	11	12
Methven	29	17	12
Scone	39	33	12
Aberfeldy	28	5	12
Pitlochry	43	27	12
Edinburgh	2732	1201	24
Total	5372	2726	

544. Did you begin at the commencement of your travelling to take these notes?—Within a fortnight after.

545. Did you begin to take the notes with a settled purpose?—I did.

546. Was that in the interests of the trade?—It was not in the interest of the trade. It was in the interest of questions that might come to be discussed. I have been president of two different debating societies, and secretary of several others, and it was for the discussing of such questions that might come up that the notes were taken.

547. Then you had a personal interest in investigating those questions?—I had.

548. Will you say in what the evasions generally consisted: were they consuming liquor on the premises?—Altogether.

549. *Sheriff Crichton*.—And principally spirits?—Or beer: intoxicating drinks.

550. *The Chairman*.—Did the evasions often take place quite openly?—Oh, yes.

551. There was very little disguise about them, was there?—There was not much, but in some cases they had diffidence in doing it. We were generally supposed to turn our backs on these things, and they overcame any scruples that they had. I may say that in numbers of the shops I called at they would not do such a thing, but there are others where they seem to make it a practice.

552. Of course you did not think it part of your business to give information?—No, I thought that that would be my destruction.

553. Did the grocers whom you were visiting not

appear to dislike your seeing these things?—No. I daresay if I had made them aware that I had a dislike to seeing those things they might have avoided showing me them.

554. *Sheriff Crichton*.—They did not know that you were taking those notes?—No.

555. *Mr Campbell Swinton*.—Did they ever ask you to partake?—Frequently.

556. It was as illegal to give it to you as it was to give it to anybody else, was it not?—Yes.

557. Did you comply with their request to partake?—Not latterly.

558. *The Chairman*.—While noticing those evasions of the law you thought it none of your business to give information or to discourage them, did you?—No; I thought that would be the destruction of my own business.

559. Are you a teetotaler?—I am now, but for the most part of the time during which those notes were taken I was not a teetotaler.

560. What security would you have or suggest that a spirit-dealer not a grocer would not violate the law as much as the grocer himself?—If they were under the same inspection as the publichouses, so that the police might be at liberty to enter the premises, I think some good might be done. At present the police cannot cross the door-step.

561. *Mr Campbell Swinton*.—Then it would not be necessary for that purpose to separate the trade of the grocer from that of the spirit-dealer, and it would be sufficient if the police had the power to enter?—Well, in that aspect it would perhaps amount to the same thing—if they were putting the shops as they exist under police supervision; but that is only one aspect of the question.

562. *The Chairman*.—Do you mind saying for whom you travelled at the time?—Latterly for Pairman Brothers, Nicolson Square.

563. Did you travel for that firm during a large part of the time?—During the larger part of it.

564. Would you like to say if there was any circumstance in connection with your leaving their service?—I left their service quite willingly, but I would not have left it had it not been for the action of my master.

565. You have no reason to be ashamed of anything in connection with your leaving, have you?—None whatever.

566. Are you able to say that in the case of those evasions you have mentioned you were not in any degree responsible for them: you were no party to them yourself, were you?—Decidedly not.

567. Did you encourage them in any way?—In the earlier part of the period over which my visits extended I might in very occasional instances. Certainly in not more than one instance in a year I might have taken a little with any other body, but for the greater part of the time I never did—I never treated and was never asked for it.

568. Then you can assure us that you in no way encouraged the cases which you have reported?—Never.

569. *Mr M'Lagan*.—Were your masters aware of your taking those notes?—No.

570. That was not the cause of your difference with them, was it?—No.

571. Did you travel solely for provisions?—For provisions and groceries, and nothing else.

572. *Mr Ferguson*.—In the course of your journeys have you seen instances of abuse in connection with sending out drink in grocers' carts?—That has never been my experience.

573. *The Chairman*.—Is it the practice among commercial travellers in this trade to stand treat in the shops?—It is common with some travellers.

574. Was it ever your practice?—Never; far from it.

575. *Mr Campbell Swinton*.—The meaning is of course to treat in grocers' shops, consuming the drink on the premises?—Just so.

576. Did any of the evasions consist in the drink being given to children?—Not to be drunk by them

on the premises, but I have seen children sent for drink.

577. Were they very young children?—Yes. In a great many cases they were children under fourteen years of age.

578. Were they sent on behalf of their parents?—Yes.

579. And in what vessels did they take the liquors?—In cups and jugs, and in gill or half-gill bottles.

580. *The Chairman*.—Did you ever see any breach of the law in respect of the hours of sale—selling drink before 8 o'clock in the morning?—I was never at work so early when I travelled.

581. *Mr Campbell Swinton*.—Your real reason for not taking the licence now is that you are a teetotaler?—Yes. I find I can get on perfectly well without the licence, although my experience in the business is not large. If, however, I did nothing more, I would have a livelihood.

582. You think you have a sufficiently remunerative business without taking out a licence?—Yes. It has often been mentioned among respectable families that they much prefer going to the one merchant's because they get everything together from him.

583. *The Chairman*.—Some prefer to go to a grocer who sells spirits because they get all that they require at one place?—They prefer to go to the one merchant.

584. Is it not the case that people often deal with a grocer who sells spirits in order that they may get spirits and groceries at the same place?—That is so.

585. And that diverts trade from the unlicensed people, does it not?—Yes. During the short time I have been in business, I have had two customers who had that preference. When the best of the two came for her things, she asked me if I sold drink. I answered that I did not; that I stuck to provisions. She said: 'Well, I sometimes need half a dozen pints of beer and 'porter.' I said that if she would tell anyone to send the liquor over to my shop, I would send it out when I sent the provisions. She said that that was very inconvenient, and that it would be more convenient to go to a licensed grocer and get all the goods together. That is the great difficulty that we unlicensed grocers have to contend with.

586. *Mr M'Lagan*.—Would you care to have a licence to sell beer alone?—I would not have it.

587. *The Chairman*.—Are you acting in concert with others in this matter?—With no one.

588. Is not your name suggested by another person?—Yes, simply because I did not like to suggest it myself.

589. How did you know of the person who suggested you as a proper party to give evidence?—I published the figures I have given you in the *League Independent*, and that came to the notice of those who have been taking an interest in this Commission. Beyond that there has been no effort made to get me to give evidence.

590. *Mr Campbell Swinton*.—You belong to no association, do you?—I do not.

8. Mr ROBERT SIMPSON, examined.

591. *The Chairman*.—You were formerly a licensed grocer, were you not?—Yes.

592. What is your profession now?—I am not engaged at all at present. I am negotiating for premises.

593. You were once a commercial traveller in the trade, were you not?—Yes, for six years.

594. For how many years were you in business?—For fully four years in Newhaven.

595. Were the shops you visited in your business as a commercial traveller of a good class?—They were principally of the better class, but I also visited a few of the lower class of shops.

596. Are you now looking for an unlicensed business, may I ask?—Yes.

597. You have no wish for a licence yourself, have you?—No.

598. Why?—Because in the present state of the

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599. Is there any difficulty in carrying on a licensed business respectably?—Not in some districts. I think there are plenty of licensed businesses which are quite respectable.

600. Then what objectionable features do you find in the present law?—What I principally object to is the selling of spirits in small quantities to all who come, especially to women. I am of opinion that women are afforded facilities for getting drink secretly in grocers' places of business, which should not be afforded them.

601. Would it remove your objection in that respect if the liquor could only be sold in certain quantities and in sealed bottles?—It would have removed it while I was in the trade, but now that I am out of it, I do not think I would go into it again.

602. It is an advantage in the trade, is it not, to be able to sell both groceries and spirits?—It is a great advantage.

603. On what grounds do you come to give evidence against the practice of grocers selling spirits?—Solely on the ground of selling it in small quantities. According to my experience that is objectionable.

604. While a commercial traveller did you see any evasions of the law?—I saw very few evasions. I cannot say that I never saw them. I think there is no commercial traveller but has seen them. I myself saw very little of it.

605. *Sheriff Crichton*.—Where did you travel?—Principally in Edinburgh. I also went to a few outlying towns.

606. *The Chairman*.—You speak of having been a traveller for six years, and you state that during that time you saw very few evasions: do you suppose you were a witness of twenty or thirty evasions—people drinking in grocers' shops?—I daresay I would see that number. I called principally on the better class of shops, as I have already said; and I do not think it is a frequent custom in such shops to sell drink and allow it to be consumed on the premises.

607. When you were in business you were licensed, were you not?—Yes.

608. Were you often tempted to break the law? I do not mean to ask whether you did break it or not; but were you often asked to give drink to be consumed on the premises?—When I and my partner first entered on the business we were frequently asked to do so; but we set our faces against it, and latterly we were scarcely ever asked to break the law.

609. Do you think you lost business by that?—No, the reverse; the reverse because the better class of customers do not like to see such things going on. If they see there is a custom of men going to a back-shop and getting drink, they dislike it, and their dislike would tell very much against the shop.

610. Did you give credit for whisky?—Yes.

611. Had you any objection to giving credit for it?—Our trade was principally amongst the better class of people in Trinity, and whisky was generally sold in large quantities. We had a few who came about us for small quantities from the village of Newhaven—our shop being at the extreme end of that village; but we very rarely marked down small quantities, and were very rarely asked to do so.

612. Did women often come to you for spirits?—Pretty frequently they did, but not so frequently to our shop as to other shops in the village.

613. Were these women of the better class?—No.

614. Were they women who would not like to be seen going into a publichouse?—Plenty of them would not have cared whether they were seen or not; but I think there were also some who would not have gone into a publichouse for drink.

615. Did you ever find people buy whisky from you and see them drink it outside the door?—No; I cannot say that I ever saw that. I had lately occasion to notice that being done in the country, but the liquor consumed was ale. It was taken out of the shop and drunk outside. That was the only occasion on which I ever saw that done.

616. What were your hours of business?—From half past 7 in the morning to 8 at night.

617. Did people come to the shop for spirits before 8 in the morning?—We were allowed to sell it as early in the morning as 6 o'clock in that fishing village till Whitsunday last, when the permission was withdrawn.

618. Had you special permission from the magistrates to do that?—Fishing villages generally have such permission.

619. *Mr Campbell Swinton*.—And that remark applies to publichouses as well as grocers, does it not?—Yes. That privilege has been withdrawn in the case of Newhaven.

620. *Sheriff Crichton*.—To what hour was the permission extended?—I think to 6 o'clock in the morning, but I am not quite sure. At all events we never opened our shop before half-past 7.

621. *The Chairman*.—You say, do you not, that there were other grocers' shops in your village, and that drink was sold there also?—Yes.

622. Was the business of some of them of a lower class than yours?—The business of all of them was of a lower class.

623. Have you any suggestions to make on the improvement of the system? What do you recommend—that no grocers' licences should be given at all?—It would be a preferable way to give none, and to have a separate licence altogether for selling liquors.

624. *Mr M'Lagan*.—Do you mean for the selling of all kinds of liquors?—Yes.

625. All beer, wine, and spirits?—Spirits are the most objectionable drink.

626. *Sheriff Crichton*.—But you think, do you not, that a grocer should be prohibited from selling liquor at all?—Yes.

627. *Mr M'Lagan*.—Were you a licensed grocer before you were a commercial traveller?—No; I served an apprenticeship to an unlicensed grocer, and then I became a commercial traveller, and after that I became a licensed grocer on my own account.

628. Why did you give up your business?—I was in partnership with another man, and he and I disagreed. That was the immediate cause of my leaving.

629. You saw the evils of the system, did you not, and if you went into business again you would become an unlicensed grocer?—Yes. My partner and I had a copartnership for a term of years with a break at the end of the fifth year, and I had made up my mind to withdraw at that break.

630. Have you scruples about selling spirituous liquors at all?—Oh! no; but as I said, I do not like people coming to get drink in small quantities. While in trade I thought that if the quart bottle were enacted it would have remedied the evil to some extent. In that case I would not have objected to remain in the trade.

631. Supposing there were an alteration in the law to that effect, would you have any objection to become a licensed grocer?—I do not say that I would go into it; but at present I do not see that I would have any great objection to do so.

632. You are not of opinion that the system of selling by quart bottles would encourage drinking at home?—I do not think it would.

633. Did you hear the evidence given by the previous witness, that even although the drink were sold in quart bottles the evil would still exist, and that the quart bottle might be drunk in the shop?—I heard that evidence.

634. You do not agree with that, do you?—I have no experience to lead me to think that that would be the case.

635. *Mr Campbell Swinton*.—Would the adoption of the quart bottle not have the effect of leading a great number of the small grocers to relinquish the business?—A great many of them would. When the opposition was got up to Sir Robert Anstruther's bill every shop in the village with the exception of our own took in sheets for signature against the bill.

636. And against that special point of restriction?—That was the principal thing they were afraid of. They knew that their trade would be almost abolished.

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637. *Mr M'Lagan*.—You yourself depended more on the sale of groceries than on the sale of spirituous liquors, did you not?—No; but our liquor was all sold in large quantities.

638. Supposing the grocers' licence was abolished altogether, would you be obliged, to get a good livelihood, or to have a sufficient profit, to raise the price of groceries?—No; I do not think that that would necessarily follow.

639. You think that there would be sufficient profit from selling groceries at the ordinary and present rates, do you?—I do not think that nearly so many men would go into the trade.

640. Then there would not be such competition?—No.

641. And on that account the trade would still be profitable?—There would be fewer in the trade, and they would do a larger business.

642. Were you aware of any grocers who depended more on the sale of spirituous liquors than on groceries for their profits?—I have no doubt whatever that the other shops in the village did so and do so; that is my opinion at least.

643. Consequently, if there was an alteration made on the law, such as has been indicated by selling in larger quantities, some of the grocers would be compelled to go out of the business?—I am sure they would.

9. Mr JAMES THOMSON, examined.

644. *The Chairman*.—You are superintendent of the boarding house of the Blind Asylum in Edinburgh, are you not?—Yes.

645. And you were in business as a licensed grocer for thirteen years?—Yes; seven years in one shop and six in another,—the period extending down to May 1876.

646. In what towns were your businesses situated?—One of them in Edinburgh and one in Leith.

647. What was the class of business you conducted?—In Edinburgh I had a superior class of business, but my premises were too small for carrying on the business I had, and I left them and went to a larger shop in Leith—where, however, my business was of a different class.

648. *Sheriff Crichton*.—In Edinburgh your business was of a better class than in Leith?—In Edinburgh I had a better class of customers.

649. *The Chairman*.—What was your experience with regard to the practices which have been reported of drinking on the premises and other evasions of the law?—The shop which I took in Edinburgh was a place which had been very much frequented before I entered it by people who got drink, and for the first two or three months after I started I had great difficulty in getting people persuaded to discontinue coming to the shop in order to get drink and consume it on the premises. By reason of that I lost a great many of the customers who had given their custom to the shop before, and the consequence was that my business was almost entirely restricted to a superior class of customers in the district.

650. *Sheriff Crichton*.—Where was that district?—In Upper Gray Street.

651. *The Chairman*.—Were you subjected to some annoyance in consequence of your refusing to give drink to be consumed on the premises?—The way in which that occurred was this. I strictly adhered to the terms of my licence, and steadfastly refused to continue the practice of giving drink to be consumed on the premises. Others tried to persuade me to break through what I thought to be right, and to do as other people did, and they said that otherwise I would get no customers and might shut up my shop. I was determined to carry my point, and I believe they reported me to the superintendent of police. I had that from one of the policemen on the beat. They also said I shut at 8

o'clock in place of keeping open till 9 and 10, and drank in the shop. A number of us joined together, and agreed to shut at 8, and I was one among the rest. The superintendent of police sent two detectives to watch my premises and see if I did drink on the premises after 8 o'clock. At 10 o'clock at night a policeman came and found one of the detectives at my window and another at the door of the shop—my house was at the end of the shop. The policeman asked what was the reason of their being there. He was told that they had been informed that I was drinking on the premises after I shut my shop. He replied that the whole police force might be sent out to watch there the 365 days of the year, and that yet they would not find me out, for I did not do such a thing. He took the two to a window, and when they came to it I was found reading a book, at which occupation I had been engaged from the time my shop was shut. I never had any annoyance afterwards.

652. Did you find that you lost custom in both places?—In regard to the Upper Gray Street shop, in consequence of my strict habit of confining the liquor trade to its proper and legitimate course, according to the licence that I held, I had very few if any of the working-class as customers.

653. Did they go elsewhere?—Of course.

654. Where they got what they wanted?—Yes.

655. Do you know that?—I do.

656. Were you ever asked to sell spirits and to put other things in your book?—Repeatedly—in Gray Street in the first place, and much more so in Leith.

657. *Mr M'Lagan*.—By whom were you asked?—By customers.

658. Women?—Certainly.

659. Were these the wives of working men?—Not in Gray Street, but in Leith they were.

660. *The Chairman*.—Have husbands ever come and made inquiries as to whether the entries were genuine?—They have.

661. *Mr Ferguson*.—Who asked you to do that in Gray Street?—Working-class people. I marked no liquor for them in Gray Street; but for the superior class I did mark liquor, because it was taken in nothing less than quart bottles. The lower class, who in this matter were cast aside, wanted gills and half-gills marked, and I would not do that.

662. You said you sold spirits, and had been asked to put them under another name; what kind of customers were they who asked you?—Superior; I allude to two cases.

663. Was it the servants of the people who came to you?—Not at all.

664. *Mr Campbell Swinton*.—Do you mean respectable trades-people?—Retired merchants.

665. *The Chairman*.—You never did make fictitious entries yourself?—I always refused to do it.

666. What are the reasons why the fictitious entries are asked for by customers?—It may be for a wife who wants to hide it from her husband. He does not know that it is for spirits. That is how I come to say that husbands have asked me on a Saturday night if I was certain that all this was for groceries and none for liquor. I said to them, 'If it is for liquor you will find it in the book; that I would not do such a thing for any man.' They refused in some cases to pay the account when liquor was marked, and I deducted it out of the account and discharged it, and discontinued their custom with me.

667. *Mr Campbell Swinton*.—Did you deduct the spirits out of the account?—Yes.

668. *Sheriff Crichton*.—Knowing it was not recoverable?—Yes.

669. *The Chairman*.—The reason why they enter fictitious entries is to conceal the drink from their husbands?—Quite so.

670. We have been told the grocers do this to be able to recover the debt?—There's no doubt the grocer's policy lies there, but then it is a lie. It is a falsehood for him to write down that it is for something else when it is for whisky.

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EDINBURGH. 671. *Mr Campbell Swinton.*—What in such cases do they wish to be put in?—I have been asked to mark a loaf, or tea, or sugar, or soap; but generally they wish it to be marked as goods. I have seen or heard of a case of goods being marked for spirits, and the husband coming in to know what that meant—whether it meant liquor or not—and pressed the grocer to say that it was really so.

672. *The Chairman.*—Has it been a common thing in your experience for husbands to come and ask if their wives were getting drink in this way?—Repeatedly, in my experience—sober, decent, respectable working men who were suspicious that their wives were not using their cash very well, and thought there was a certain part of it taken out in liquors.

673. It has been alleged that women of a superior class resort to grocers' shops for spirits, and would be ashamed to go elsewhere: have you known instances of that?—I have.

674. Women may buy a bottle of brandy in a proper way; but I mean women doing this in the way of secret tipping?—I have seen such instances—several of them.

675. Have ladies in this way asked to have liquor entered as groceries; have you been asked by them to have liquor so entered?—Yes.

676. In that case, the woman had been getting spirits besides her groceries, and she wished to have the spirits concealed by being put down as groceries?—Yes; that was the request made, but it was not granted.

677. Have you known cases where grocers combining the sale of milk with groceries, sold whisky at illegal times under colour of that?—I have.

678. On Sundays?—Yes.

679. Then the legality of selling milk on the Sunday assisted in the selling of drink?—Yes.

680. Where have you known that to be the case?—In Leith.

681. Is it your opinion that a limitation of the sale of spirits to a certain quantity in a sealed bottle would greatly reduce the trade?—Not unless you get men of principle to enter the business.

682. You mean that even such a law as that might be evaded?—Yes, equally so with the present; the state of things might be the same as at present.

683. *Mr Ferguson.*—If it could be made secure that nothing less than a quart could be sold, would not that diminish the evil?—No; or only to a limited extent.

684. *The Chairman.*—Then what in your opinion would be the best check for the present irregularities?—The entire separation of liquor from groceries.

685. The separation of the trade of grocer from that of spirit-dealer?—Yes.

686. Would the making a considerable minimum of rent a condition of licensing not be a check?—That would curtail a great number of smaller shops in the lower localities where drink is sold in such a manner. The enactment of the quart bottle would also to a great extent curtail smaller licensed houses in the lower localities of cities and towns.

687. Do you know any licensed grocers' shops that are kept open really by the sale of drink?—A number of them; if they had not the liquor, they could not be kept open.

688. Is it your opinion that much drunkenness is due to the sale of whisky in grocers' shops?—That has been my impression ever since I entered the business.

689. How do you arrive at that conclusion? Have you known cases of people drunk on the street, getting their liquor in grocers' shops?—It is very much to be seen in Leith.

690. Do you know that such parties got liquor in the grocers' shops, and not in the publichouse?—I have proof of that on the Sabbath. In Leith I have seen people go out and in to such places on Sunday.

691. You mean grocers' shops?—Yes.

692. *Mr Campbell Swinton.*—The shop not being ostensibly open?—Not at all.

693. *Mr M'Lagan.*—Did they go in by the front door?—Yes.

694. *Mr Campbell Swinton.*—Would it not be a remedy to prohibit any connection or communication

between the shop and the house?—It would to a great extent; certainly on the Sabbath.

695. Could you name any rent which you think would be suitable as a minimum in the case of a grocer's shop in a town like Edinburgh?—Of course there are localities, like the Canongate and Cowgate, where they require grocers' shops, where premises are cheaper than in some other parts of the town. If the licence was not granted to a house with less than £15 of rent, a considerable number of the shops might be abolished.

696. Are there plenty of grocers' shops in the Old Town rented as high as that?—I have no doubt there are a good many rented at smaller rents, but they will be smaller shops.

697. Are there a good many rented at as high a rent as that?—There are a great many rented above that. There are very few rented at that comparatively low rate.

698. If you made the minimum £15, and allowed no licence to a grocer to sell liquors who had not a rent of £15, would there be a sufficient number of grocers for the wants of the inhabitants?—I would not make it £15; I would make it nothing less than £25 of rent; that would be the least rent to which I would grant a licence. £15 might be made a minimum in certain localities.

699. But if no licence were granted to anybody with a less rent than £25, would that not make too few licensed grocers in some parts of the town for the convenience and the wants of the inhabitants?—I would say that too few would be none at all so far as licensed grocers are concerned, according to my own opinion.

700. But that is a point of the entire removal of licensed grocers, is it not?—Yes. I think making the minimum £25 would carry away a number of the smaller shops which now have a licence.

701. But would it still leave a sufficient number of grocers for the wants of the inhabitants?—I think so.

702. *Mr M'Lagan.*—Do you think the rental would be a fair way of settling this question at all?—No.

703. Would the proprietor and tenant not come to a private arrangement as to the rental in such a case?—That is perfectly possible, and it is often done.

704. So that in regard to a house not worth £20 the proprietor by a tacit arrangement with the tenant might pre-suppose it to be let for £30, and thus obtain a licence for it when the house was really not worth so much at all?—That is perfectly possible.

705. *The Chairman.*—Have you experience of villages as well as of the city of Edinburgh and the town of Leith?—No.

706. In your recommendation as to value you refer to the city, do you not?—Yes, and to the localities where I have been.

707. *Mr M'Lagan.*—It is a fact, is it not, that when the licence is given to a publichouse or a licensed grocer, the value of the property to which the licence applies is increased?—Yes.

708. Is it consistent with your knowledge that the value of the houses adjoining is deteriorated, particularly in the case of publichouses?—There is no doubt of that.

709. Have you found in the case of those licensed grocers' houses where drink was given in small quantities that the value of the adjoining houses was deteriorated more than in the case of those houses which adjoined licensed grocers' premises where no such drinking was allowed?—I could not exactly say as to that, because I strictly confined myself to my own business. I made no particular inquiry in regard to the subject of your question.

10. Dr JOHN HENDERSON, examined.

710. *The Chairman.*—You are a doctor of medicine in practice in Leith, are you not?—Yes.

711. And you are provost of that burgh?—Yes.

712. How long have you been provost?—For two years.

713. Have you had considerable experience of the licensing system in Leith?—During the last two years, but not before.

714. Can you tell us the number of licences given to publichouses and grocers' shops?—At present there are licensed in Leith 9 hotels, 142 publichouses, 174 grocers and retail dealers,—total 325.

715. Can you supply us with the numbers applying to previous years?—In 1876 the numbers were exactly the same. The only other year for which I have jotted down the figures is 1871, and there were then 9 hotels, 129 publichouses, and 154 licensed grocers,—total 292.

716. Can you not supply us with a comparative return for a somewhat longer period?—No. I can quite easily procure that, however.

717. To what is the increased number during the last five years owing?—I have no doubt it is owing in a great measure to the increase of the population.

718. Do the magistrates try to keep down the number, or do they just give licences where the premises are suitable?—They try to keep them down as much as possible. They have been very particular in that respect during the last two years. The population has increased 1000 a year, and although that is the case we have not granted any more licences during the last two years. It is perhaps the case that formerly more licences were granted than there should have been, but that has not been the case for a number of years back.

719. Do the magistrates personally inspect the premises for which licences are asked?—Always.

720. Do they make it a condition that they shall be suitable in the way of not being joined with the dwelling-house,—I refer in the meantime to grocers?—They always do so.

721. Do they make it a condition that they shall have no back doors?—Yes, the magistrates are always particular in that respect; they don't allow grocers to have back doors.

722. *Sheriff Crichton*.—Do they allow them to have any connection whatever with the dwelling-house?—No. In some cases where licences were asked for grocers, there was such a communication on the premises, but that was immediately built up.

723. And that has been made a condition of granting the licence where such communication existed?—Invariably.

724. Do the magistrates ever give a grocer's licence where a publichouse licence has been asked?—No, I don't think they have ever offered that. Sometimes parties have asked: 'If you don't give us a publichouse licence, can we get a grocer's?' I remember that that has been asked once or twice; and in some cases the application has been granted.

725. Then would not that have the effect of men opening a grocer's shop for the sake of selling drink?—Not entirely, but a good deal so.

726. Unless the man was already in business as a grocer, would not that be the effect?—Yes. Still we would not grant a licence either for a grocer's shop or a publichouse unless we considered there was some necessity for it in the particular neighbourhood, or perhaps unless there was an expression of opinion in its favour from a number of the inhabitants in the neighbourhood. We have acted upon such expressions of opinion for the last two or three years when grocers' licences were applied for for new places. We have visited such neighbourhoods, and inquired at the people living there, so as to ascertain their opinion.

727. Then you make the same inquiry in regard to a licensed grocer as in the case of a publichouse?—The very same.

728. *The Chairman*.—Have there been many convictions in Leith for breach of certificate by grocers?—Very few.

729. Has it been reported to you that such practices are prevalent, although not detected?—No, I cannot say that it has. I have not been able to ascertain that any grocers have been punished for breach of licence; or at least very few have been so punished.

730. You have not heard, have you, that it is common

for grocers to allow the liquor to be consumed on the premises?—No.

731. Has your attention been specially directed to the effect of the sale of spirits in small quantities by grocers?—Not specially, but that forces itself upon one's attention.

732. Have you considered whether it has an injurious effect or not?—I am decidedly of opinion that the selling of drink in small quantities has an injurious effect.

733. Why do you think it has that effect?—I see children going into grocers' shops and coming out with small quantities in cups and small bottles or vessels of that kind, and when taking it home tasting it themselves.

734. Whereas the publican would not have served a child?—Probably he would not have served so young a child; and he would in all probability have also insisted upon payment. Whereas in the case of the grocers, the liquor so supplied was probably put down to the same account as the groceries, and the bill or the account paid weekly.

735. *Mr Campbell Swinton*.—Do you mean that the liquor has been put under the head of groceries?—I am not aware of that. A number of working people pay their accounts once a week or once a fortnight, and they pay the spirits at the same time if it has been put down as spirits.

736. Then they don't run scores of that kind at publichouses?—They are not allowed to do so; but in the case of the grocers there is nothing to prevent them.

737. *Mr Ferguson*.—Could the grocer recover those amounts for spirits if they were challenged?—I don't think they could.

738. With reference to your former answer, do you mean that the publican for his own safety would not give the drink, but that the grocer is quite willing to run the risk?—Yes.

739. *The Chairman*.—When you say that the sale of liquors by grocers is bad, do you think it is more injurious to the habits of families that drink should be sold to be consumed at home than that it should be sold in the publichouse to be consumed on the premises?—No; it comes to the same thing if they buy it at all; but a great many would hesitate to go to a publichouse who have no hesitation in going to the grocer's. It is the beginnings of drinking habits that I look to. By getting spirits from the grocers they begin more readily to drink—much more readily than if they had to go to spirit shops to get it.

740. *Sheriff Crichton*.—But you think that after the habit is acquired, it does not matter to them where they go?—No; they will go anywhere then—as readily to a spirit shop as to a grocer's.

741. Then it is the beginning of the evil which you think would be prevented?—Yes.

742. *The Chairman*.—What change would you recommend, if you regard the existing system as injurious?—My own impression is that I would deprive the grocers altogether of the spirit licence, and give them a licence for wine and ale. The general feeling among us is that some restriction should be put upon the quantity saleable; that for instance it should be made illegal to sell a less quantity than a pint, and that in a bottle or some similar vessel.

743. *Sheriff Crichton*.—Is that the general feeling among the magistrates in your burgh?—Yes, I think so.

744. *Mr Campbell Swinton*.—I suppose when you speak of a bottle, you mean a sealed bottle?—Yes, and not in an open vessel—a jug, a cup, or anything of that kind. It is the general feeling, I think, among the magistrates that it is not necessary to make it a quart, but that a pint would be sufficient to provide a check.

745. When you speak of a separation, would it be fair, do you think, to bring about such a thing?—That is a point I am not decided upon. I think it would be a desirable thing.

746. Would it not be a serious injury to the trade if it were done suddenly?—Quite so. I see the difficulties in the way of bringing about a separation. I don't think there would be much difficulty in making it obligatory to restrict the quantity sold to a pint.

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747. *Mr M'Lagan*.—But you said, I think, that you would only deprive the grocers of the licence for spirits, and still allow them to sell wine and beer?—Yes. I don't see that there is any fear of the selling of ales and beer inducing a desire for drink; it is the whisky which does the mischief; I don't think that wine, beer, and ale would do any harm.

748. *The Chairman*.—It is a great convenience for people who have occasion for spirits in their houses, is it not, that they should be able to buy them without sending their servant maid to the publichouse?—Yes, that is no doubt a convenience, and that is probably the reason why it would not be advisable to take away the licence altogether. I am not prepared to say it would be quite right to take it away all at once. Then I think that some restriction should be made or might be made on the houses themselves. I think that many of the small houses in the streets in which the lower classes live should be done away with, and that we should have a better class of houses.

749. *Sheriff Crichton*.—Would you do that with reference to the rent?—Yes, or with reference to the size, or in some other suitable way.

750. *The Chairman*.—Do you think that by that means you would get a more respectable class of men to be responsible?—Yes; that is my impression.

751. *Mr Campbell Swinton*.—Would you do that at once by summary law, or gradually?—Gradually.

752. You would not apply it to existing shops of a small character, would you?—I think you might, and give them some compensation.

753. Where is the compensation to come from?—I don't know; but I think it is a very desirable thing.

754. *Mr M'Lagan*.—Do you think they have a vested right so as to require compensation?—Not legally, but I don't know about morally. I am sure at all events that it would do a great deal of good to refuse licences

to small houses. It is by the shops in the lower part of the town that spirits are sold in that way rather than by the better class of shops. I don't think that in the better class of shops the custom prevails at all; I have not noticed it at any rate.

755. *The Chairman*.—Do you think there would be no hardship in preventing persons who want small quantities buying it at the grocer's, and being limited to a bottle or a pint?—Yes.

756. *Sheriff Crichton*.—Would you prevent a grocer from selling other commodities than spirits beyond the hours for which his licence allows him to sell spirits?—I don't think that would matter very much.

757. *Mr Ferguson*.—We have it already in evidence that although the hour for selling spirits is restricted to 8 o'clock, many of the grocers open at 6 o'clock for other purposes, and that this affords an opportunity of breaking the law as regards the selling of whisky: have you had your attention directed to that subject?—No; I know nothing about it except from report.

758. *The Chairman*.—What was the character of the shop from which you say you saw a child come out and taste the liquor it was carrying?—One of the very small grocers' shops, which I think ought to be abolished. I think that if the magistrates would in the future prevent licences being given to such small shops, that might be quite sufficient to prevent a good deal of drinking.

759. It has been said, if you don't allow a man to buy less than a certain quantity, you make him drink more than he would otherwise do?—I don't think that that would necessarily follow.

760. For instance a man may want a gill and by the proposed system be obliged to buy a pint: would not that lead him to drink more?—I don't think that that would follow.

Adjourned.

EDINBURGH, SATURDAY, 6TH OCTOBER 1877.

Present :—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Sheriff CRICHTON.
Mr FERGUSON.

SIR JAMES FERGUSSON IN THE CHAIR.

Donald
Mathieson
Mackay.

11. Mr DONALD MATHIESON MACKAY, examined.

761. *The Chairman*.—You are ex-superintendent of the burgh police of Dundee, and you at present reside at 7 Arniston Place, Edinburgh?—Yes.

762. You are proposed to us as a witness unfavourable to the present law affecting grocers' licences?—I am to some extent opposed to it.

763. Would you state generally your grounds for that?—My grounds are that the law is systematically evaded, and that there is no means of checking the practice of the grocer giving drink over the counter. By the way, I should say at once that my evidence will apply altogether to Dundee. I know nothing of Edinburgh. There is a means of checking the practice, but it comes short of the end that is intended. The practice is so universal that it is almost impossible for the police to check it.

764. You refer to what practice?—The practice of grocers selling drink to be consumed on the premises.

765. When you were at the head of the police in Dundee, had you reason to believe that that practice was common?—It is very common amongst a great number of them. I find that there are at present 198 grocers in Dundee, and I should say that 30 of these do not carry on this practice, but the remainder do.

766. Of what class are those who do not carry on that practice?—They are the respectable grocers.

767. They are those who have businesses of a superior class?—Yes.

768. What were your grounds for believing that so large a number as you have mentioned broke the law?—Because it was reported to me from time to time by the police officers, and besides I brought up a number of them and had them convicted.

769. Can you give us an idea of the number?—I can give you an idea of the numbers for the last twelve years up to 1876. They were :—

In the year 1863,	2	convictions.
" 1864,	2	"
" 1865,	2	"
" 1866,	6	"
" 1867,	10	"
" 1868,	4	"
" 1869,	4	"
" 1870,	22	"
" 1871,	11	"
" 1872,	17	"
" 1873,	18	"
" 1874,	8	"
" 1875,	1	"
" 1876,	4	"

770. But notwithstanding these convictions you believed that the law was daily broken?—We were so heartless in prosecuting such cases that we almost entirely gave them up.

771. Was that from the difficulty of procuring convictions?—No, not from the difficulty, because when I wanted to convict any of them I had only to send men in plain clothes on Saturday evening, and they found parties drinking, and we were able to get convictions. But some of the Commissioners of Police objected to our sending men there in plain clothes, and I dropped it.

772. Did they object to that practice even although the men did not drink themselves?—Yes.

773. *Sheriff Crichton*.—Was the ground of their objection that it was a sort of spy system?—It was upon that ground that they objected to it, but not for some years past. For some years past the feeling has been otherwise. The magistrates now are very strict in the prosecution of these offences, and I believe they would not object to send men in plain clothes; but that is only of late years.

774. *The Chairman*.—Was it principally on Saturday evenings that these evasions of the law took place?—It was chiefly on Saturday evenings.

775. Did it occur generally after the hours for closing the publichouses?—No. It was generally from 8 to 10 o'clock.

776. What is the number of licensed houses in Dundee?—I have a return here which shows that there are at present 226 publichouses, 198 grocers, 8 inns and hotels, 14 who sell only porter and ale, and 3 who sell groceries and porter and ale, making altogether 459.

777. Are there porter and ale sellers amongst the evaders of the law?—No, I cannot say that there are.

778. It is a small discrepancy, but I have a return for 1876 by Mr Dewar, the present superintendent, in which he gives the number of grocers at 201, while in the return to which you have referred it is only 198. Can you explain that?—It may be accounted for by the appeals to the Quarter Sessions. There was a number of appeals to the Sessions at the last court, and they may have granted five or six of them, which would account for the discrepancy.

779. It would appear by the returns to which you have just referred that the number of grocers' licences in Dundee is the same now as it was in 1854?—It is about the same. I have here a return which I made up applicable to the whole time during which I have been in Dundee. In 1844 there were 600 publichouses in Dundee; but there was no distinction made then between publichouses and grocers' licences. They were all publichouses at that time; in fact there were no grocers' licences. Although the parties sold groceries, there was no licence authorising them to do it. The number of licensed houses in 1854 was 517, of which 201 were grocers; and in 1876 it was 459, of which 198 were grocers.

780. That gives almost the same number of grocers' licences in 1876 as in 1854, but a reduction of 101 in the number of licences?—Yes.

781. Had you reason to believe that drinking habits are stimulated among the working classes by the facility for obtaining liquor at the grocers' shops?—Of late years, perhaps six or seven years—the number of parties brought up for drunkenness has increased; but then you must take into account the increase which has also taken place in the population. The population in 1844 was about one-half of what it is now, the drinking is not more, so that I should infer that the drinking habits of the people have not increased.

782. I do not wish to suggest anything to you, but it has been stated in many quarters that drinking habits are stimulated by these grocers' licences? What is your opinion about that?—It may be the case, but I have great doubts about it.

783. What is your opinion as to the comparative advantage to the habits of the working classes of the facility for parties purchasing liquor not to be consumed on the premises, and resorting to publichouses?—I should say that they are both equally disastrous to the

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morals of the people: I can draw no distinction betwixt them. The practice of going to publichouses is as disastrous for a working man as the practice of buying spirits at a grocer's shop.

784. As regards security to the public, do you think that there are fewer cases of drunkenness caused by the consumption of liquor at home than in the publichouse?—Yes, very much fewer.

785. *Mr Campbell Swinton*.—Are not men more apt to drink to excess in a publichouse?—They are, and very frequently, I believe, the parties who are brought in for drunkenness by the police come out of the publichouses. It is a very rare thing that people are brought out of a private house charged with being drunk; they are generally taken up when staggering in the streets after having left the publichouse.

786. That is perhaps because the man who gets drunk in his own house does not leave it?—He does not leave it.

787. *The Chairman*.—But you would say there was not much to choose between the comparative effects of the two systems?—I think not.

788. Were the magistrates of Dundee particular as to the character of the houses to which they granted licences?—During the last six or eight years they have been most particular in choosing, and ascertaining the character of the parties who applied for licences, and in seeing that the premises were suitable. In fact, about ten years ago they gave a general order that there should be no house licensed that was not up to a certain standard for conveniences; and by that means a number of the houses that were previously licensed were lopped off.

789. Had that reference to grocers as well as to publichouses?—Yes.

790. Was there a fixed standard?—There was no fixed standard. Every house would require to be judged by its own merits; but we had a sort of standard according to which we acted.

791. *Mr Campbell Swinton*.—A sort of standard of value, or what?—It was a sort of standard with reference to the convenience of the houses.

792. *Sheriff Crichton*.—And with reference also to the locality?—Yes.

793. That was also taken into consideration?—It was.

794. *The Chairman*.—What further restrictions would you think it well to impose in order to check the evils to which you have referred?—When I gave my evidence before the Royal Commission that was granted after the Forbes Mackenzie Act was passed, I stated then, and I am of the same opinion still, that the sale of whisky should be taken away from grocers altogether, but that they should be permitted to sell beer and wine.

795. On what general ground would you take away the licence from the grocers?—I have already stated that there are facilities under it for evading the law, that cannot be overcome otherwise. I should say it was impossible to check the system of parties drinking on the premises so long as the grocers have the whisky licence.

796. Would there not be a certain hardship to people who require small quantities of spirits for use at home if they were obliged to go to the publichouse for them?—No, I do not see that there would be any hardship in that.

797. They have not got spirit merchants at their door, perhaps?—They have: they are pretty well strewn over Dundee at any rate. There is a great number of spirit merchants in almost all the streets of Dundee. In one street through which you can walk in five or ten minutes there are about 30 licensed houses, of which only a very small proportion are grocers. I may say, however, that I think that if the licence is to be retained to the grocers, another way of checking the system would be by limiting it to the sealed pint bottle. I would not limit it to the quart bottle, because that would prevent many from getting small quantities; but I am of opinion that unless the whisky is taken away from the grocers altogether they should be restricted to a pint bottle, sealed.

798. I am coming to that, but with reference to the proposal to withdraw the licence from the grocer alto-

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gether, do you think the ability to procure spirits at a grocer's shop where it is not thought otherwise than respectable to be seen, encourages women and even children to drink spirits?—I believe that is the case. I have no personal knowledge of the subject, but I have often been informed that such is the result.

799. Then you said that if the licence for spirits was not altogether withdrawn from the grocers, they should at all events be limited to its sale in sealed bottles, and that the quantity should be as low as a pint; that, you think, would give all reasonable facilities?—It would give all reasonable facilities, and it would not offer such temptations for evading the law as the quart bottle, because the most of people, at least the general run of working people, would be able to get a small bottle of whisky at 15d. or 16d.

800. Was it the custom of the magistrates of Dundee to allow transfers of grocers' licences?—They inquired most particularly, at least of late years, upon what ground the transfer was wanted, and why it was disposed of by the party who had it, and if the explanation was satisfactory they transferred it. They generally did so in the case of bankruptcy or in case of death.

801. Were these transfers allowed during the currency of the year?—On the first Wednesday of every month there is a magistrates' meeting for the transfer of licences.

802. *Sheriff Crichton*.—When a grocer who had been convicted applied for a renewal of his certificate, how did the magistrates in Dundee act?—They generally refused him.

803. Even for one offence?—Not always. It might be a very slight offence that the man had been brought up for and been convicted, but the magistrates always took the case into consideration, and inquired particularly into all the circumstances of it, and granted or refused accordingly. It might be a hardship to refuse a man for one conviction, because the offence might be committed very simply.

804. *The Chairman*.—It has been suggested to the Commission that there is no legal provision for the transfer of licences except at the regular half-yearly meetings of the magistrates. What have you to say to that?—If that is the case, the magistrates of Dundee are entirely misled, because they have the opinion of their clerk upon the legality of their practice. They inquired particularly at him, and he prepared a memorial, in which he stated that they were quite entitled, under certain circumstances, to grant a transfer.

805. During the currency of the half year?—Yes.

806. Then it has been further suggested that although there is provision for the transfer of publichouse licences, there is no provision for the transfer of grocers' licences in any circumstances. What have you to say to that?—The rule in Dundee applied to both classes of licences.

807. The view and the practice of the magistrates of Dundee have been otherwise?—They have, under the advice of the town clerk. The magistrates themselves, of course, knew nothing of the matter, but they advised with their clerk about it.

808. *Mr Ferguson*.—Are those licences which are transferred once a month confirmed at the half-yearly meeting?—They are always confirmed at the half-yearly meeting. They come up there as new applications at the end of every six months.

809. *The Chairman*.—You stated lately that the magistrates were rather lax with respect to the grocers' licences?—They were so a number of years ago, but latterly they have not been so.

810. Did the magistrates ever make it a condition that the applicant for a grocer's licence should have served an apprenticeship to the trade?—No. They did not make that a condition, but they very seldom refused one who had served his time to the trade when he applied for a certificate.

811. They gave him a preference?—They did.

812. *Mr Campbell Swinton*.—You say they seldom refused a licence to a man who had served an apprenticeship to the trade. Was not one of their elements, in considering whether they should grant a licence, whether that licence was required by the wants of the people in the locality?—Having regard to the number of licences,

that was certainly an element in the granting of a licence; but when a party applied for a transfer for a house that had been planted there before, there was no question of that kind raised, although it was an element in the original granting of a licence.

813. *The Chairman*.—With reference to the difficulties of detection, had you difficulties to contend with in the way of observation,—in the way of being able to see from the outside what was going on?—Yes. I may give one instance. Where a party went in, and where they were pretty sure they were drinking, when the officer went in the man was drinking spirits, but the publican grasped the glass from his hand and threw it down. That case was reported, and it was brought up, but after a long trial the publican was dismissed. That is one of the practical difficulties in the way of carrying out the law.

814. *Mr Campbell Swinton*.—Do you mean that the publican was acquitted,—that there was no conviction?—Yes.

815. It was a curious acquittal if the man was seen?—He was seen in this way,—that he had a glass in his hand, and he was going to drink it; but when the publican saw the officer coming in, he grasped the glass from the man's hand. The liquor was not consumed.

816. When you talk of the evasions which you believe were constantly taking place, what kind of evasions do you refer to? Was it a man just going in to take a dram, or was it a party sitting down to drink?—Sometimes a party sitting down to drink, and at other times a man drinking at the counter.

817. By a party do you mean a man?—No; perhaps a man and a woman, or perhaps three or four.

818. Sitting down as if they were in a publichouse?—Yes.

819. Would they sit down at the counter or behind?—In a back room.

820. But the majority of cases I suppose were those of a man going in to get a dram, and just tossing it off?—Yes.

821. *The Chairman*.—Would it be an improvement if it were required that every part of the business premises of a licensed grocer should be seen from the outside?—It would be of the greatest importance for the police to have a proper supervision over them.

822. And also that the police should have the right of entry to a licensed grocer's place as if it were a publichouse?—I think they have a right of entry into a grocer's shop.

823. Only in case of strong suspicion?—We had no difficulty on that point in Dundee. We considered we had a right to enter a house at any time.

824. Had you any convictions or charges against the police for being treated by the licensed grocers?—Never.

825. *Mr Campbell Swinton*.—And no reason to suspect anything of the kind?—I don't say that there were not certain cases where I had reason to suspect something of the kind. I inquired particularly into them, and found some of them to be falsehoods and some of them true; but they were very few. As a rule it is quite untrue that the police are treated by the publicans.

826. *The Chairman*.—I have been asked to put this question to you: Is not the decrease of drunkenness in Dundee of which you spoke owing in some measure to the stricter administration of licences by the magistrates?—I believe it is.

827. I am also asked to put this question: What reason do you give for thinking that the restriction to a pint would diminish the facilities for evading the law if parties were so disposed?—Because a pint would be easier bought than a quart, and there would not be the same temptation to evade the law if it was brought down to a pint.

828. You mean that if they could not buy less than a quart, and a man did not want a quart, but only a glass or a gill, the grocers would be tempted to sell him that quantity, whereas if he could get so moderate a quantity as a pint he would purchase it?—Yes.

829. *Mr Campbell Swinton*.—And you think that requiring it to be sold as a pint in a sealed bottle would not lead to his drawing the cork then and there, and

drinking it off on the premises?—No. I think it would be an extreme case if a man did that.

830. *The Chairman*.—I am asked to put this question to you: Would it be better that a working man should take into his house a pint instead of a gill of whisky?—I think it would be better if he had none at all.

831. Is there any further limitation you would propose with respect to the size or rent of premises for which grocers' licences should be given?—I would say with reference to that, that if there were only one-third of the number of licensed houses in Dundee that there are, and they were large roomy premises, there would be no risk of evading the law, and it would be a great advantage to the community. The magistrates of Dundee have acted upon that for some time. They have refused to licence all small places.

832. *Mr Campbell Swinton*.—Even for grocers?—Yes, even for grocers they have refused licences to small places.

833. *Mr Ferguson*.—Have they fixed any minimum rent?—No.

834. *Sheriff Orichton*.—With regard to the dwelling-house being connected with the shop, how have the magistrates acted with regard to that?—They grant no licence where the house is connected with the shop, either a publichouse or a grocer's licence.

835. *Mr Campbell Swinton*.—By being connected, do you mean under the same roof, or only that there shall be no communication between them?—No communication between them. A man may come out of his shop by the front door, and go up to his house by a back stair, but there must be no communication between the two whatever. Another thing I should have mentioned is that the magistrates have made it a condition that there shall be no back doors.

836. Even in the case of grocers?—Yes.

837. But in large grocers' premises, is not that very inconvenient, obliging them to bring all their goods from the street by the front door?—The magistrates have had hard work to carry out their rule, but they are doing it, and I think it will be a very good thing when it is completed.

838. Is it made to apply to all grocers, however large and extensive their premises may be?—Yes, if they are licensed.

(See also App. D, p. 501.)

12. Rev. Dr THOMAS SMITH, examined.

839. *The Chairman*.—You are minister of the Cowgatehead Free Church, Edinburgh?—Yes.

840. Your name appeared yesterday as supporting a memorial presented by the Superintendent of the City Mission in name of himself and his assistants?—Yes. I attended the meeting at which it was agreed to present such a memorial. I stated there that if they chose to put it in the name of territorial ministers and city missionaries, I should be very happy to sign it, and I did so.

841. In that memorial there were strong statements made as to the great prevalence of abuses connected with the sale of spirits by grocers: can you speak from your own personal knowledge of the existence of offences of that description?—No. I may mention that I have no personal knowledge of any of these abuses. I have a very strong impression, produced by constant intercourse with the people, that such things take place, but I don't know personally of any single case.

842. But you can speak from information derived from intercourse with the people?—Yes.

843. Would you give us generally the nature of the statements which have been made to you?—The substance of them all is just this, that women must go two or three times a day to grocers' shops, where they have the whisky cask standing before them, and that in that way they are induced to buy whisky which they would never dream of buying elsewhere. They do not get drunk upon the whisky that they buy there, but in that

way habits of drinking are formed, which, humanly speaking, never would be formed provided no whisky were sold except in publichouses.

844. I suppose the effect to which you refer is more readily produced in consequence of the whisky being obtainable in small quantities and in open vessels?—Certainly. I don't think it would be produced to any very great extent if the whisky were sold only in large quantities. I have heard the questions which have been put to the previous witness on this point, and I think that if no quantity less than a quart could be got at one time, the effect would be that the trade would be so much diminished that it would not be worth the small grocer's while to get a licence at all, and that that would practically be putting a stop to the sale of spirits by these grocers.

845. Would you insist upon the measure of a quart; because it has been pointed out to us that if a person could only buy a quart at a time he would sometimes buy a quart when a pint would do?—That of course might occasionally happen, but I would be for putting as many difficulties as possible in the way of obtaining drink. My object is not to increase the facilities for selling whisky in any way, but rather to diminish them; indeed I should like to see very much more stringent measures introduced than are likely to be adopted.

846. Have you had under your own notice cases of women who you had reason to believe were addicted to the use of spirits, and with regard to whom you had grounds for attributing that habit to the facility with which they had obtained spirits at grocers?—Yes. I have known many cases in which the husbands of women who had become drinkers have told me they were persuaded it was the habit of getting small quantities of whisky in the grocers' shops when they went for groceries which led them first of all to get into the habit of drinking.

847. *Mr Campbell Swinton*.—Was the impression conveyed to your mind that in these cases the whisky had been given to them, or that they had bought it?—That they had bought it. I don't know anything of such abuses as I have heard of as to drink being given in presents or treats, or anything of that kind.

848. You say your impression is that the husbands spoke of cases in which the whisky had been bought: was it bought for consumption by the woman then and there, or at least before she got home, or was it bought for the purpose of being brought home to her family?—Probably it was bought to bring home. I don't know that you are very well acquainted with the habits of people of this class, but I may explain that women are at home the whole day, with not very much to do. Their husbands do not come home to dinner, and therefore the wives have no cooking to do, and generally they have little to occupy them. The woman goes out in the course of the day to provide for the dinner which she requires for herself: perhaps she has to get some herrings or something of that kind which she can get at grocers', and she buys a couple of glasses of whisky at the same time, which she takes home with her. She has the whisky in the house during the day, and she sips away at it perhaps until it is done. Of course I do not mean that all women are of that class: there are many most excellent sober people in my district, who do nothing of this kind; but a woman perhaps is not in very good health, or her house is uncomfortable, and for some reason or other she likes a little stimulant. She would not go to the publichouse for it, but it is presented to her when she must be in the grocer's shop, and so the habit of drinking is gradually formed. At first she may bring it home herself, and then perhaps she sends her little girl for some more next day when she wants it. The girl also very likely tastes it, because it is held in a tea-cup, and the child will want to know what her mother is indulging in. In that way there is a little taken out of it by the child, and so habits are formed which are extremely bad in their results.

849. What remedy would you suggest for this?—The remedy I should like would be that there should be

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an absolute abolition of grocers' licences,—that there should be no whisky sold at all where groceries are sold ; but if that cannot be got, then as an instalment I would put a limitation as to rent on the premises to which a licence was granted. I would give no licence to premises under a certain rental, because I presume—although of course I know nothing about it personally—that there are no such abuses carried on in the higher class grocers' shops ; I think that may be taken for granted.

850. *The Chairman*.—I suppose that in the poorer districts the grocers' shops are generally of a smaller size ?—In my district they are ; I cannot speak to other districts.

851. *Mr Campbell Swinton*.—Can you suggest a minimum rent ?—I should say that if the rent were £40 or £50 it would be a considerable check, but I could not speak to that positively. In fact I don't know what are the rents of the places that are presently licensed, but I understand that in many cases the parties could not pay their high rents unless for the whisky licence. That is one point which I think it important to bring under the notice of the Commissioners. There is one pretty large unlicensed grocer in my district, who has complained to me that people in his position are at a great disadvantage because they cannot compete with the licensed men ; and in confirmation of that statement I may say that licensed grocers have told me in vindication when I have talked to them in a friendly way about their selling whisky, that they are able in consequence of having the licence to give cheaper groceries to the poor people, because they have so large a profit on the whisky that they can afford to sell sugar and other articles cheaper than they could otherwise do. I think that is not fair to those grocers who have no licence, and on that ground also I would abolish the licence altogether. The licensed grocers have told me that in that way they were able to undersell those who did not sell whisky.

852. When you speak of what you would like if you could get it, viz., an entire separation of the trades, I suppose you see the difficulties in the way of that ?—It is not for me to see these difficulties.

853. *The Chairman*.—I am asked to put this question to you : Do you think that women would shrink from going or sending to the publichouse for spirits if it were the case that there was no other place but the publichouse to get supplies from, and if it were the fashion for the people to get supplies from the publichouse only ?—No doubt if the licences were taken from the grocers some of the money that is now spent in the grocer's shop on whisky would be spent in the publichouse ; but I think that a very great proportion of the money that is now spent in the grocers' shops on whisky would not be spent on whisky at all.

854. *Mr Campbell Swinton*.—You mean that the women must go to the grocers' shops for their groceries, and in that way they are induced to buy spirits, whereas they would not be obliged to go to the publichouse, because there was nothing to be got there except spirits ?—Yes. I may say that amongst the people in the Cowgate, to go to a publichouse is not respectable, at least not for a woman ; and I believe that very few women in the district are in the habit of going to publichouses. I never go into such places myself ministerially, because I don't think that a publichouse is the best place to visit ; but when passing such houses in the course of my visits I cannot help seeing in at the doors, and I don't think that any of the respectable women in the Cowgate ever do go into them, although I cannot say positively as to that ; whereas it is not considered disrespectful to buy a teacupful of whisky in a grocer's shop, or to send a child out for it.

855. *Mr Ferguson*.—Does what you have been telling us refer to spirits alone, or do you apply your evidence to beer as well ?—We don't go in much for beer in the Cowgate, but if there is to be a restriction with regard to quantity I think that a quart of ale is too little ; I would make it a quart of whisky and a dozen of ale, or half a dozen at all events.

13. Provost LAURIE, Musselburgh, examined.

856. *The Chairman*.—You are a surgeon in Musselburgh, and provost of that burgh ?—I am, and a justice of the peace for the county of Midlothian.

857. Would you state to us the number of licences granted in Musselburgh at present and in recent years ?—In 1857 there were 57 licensed houses, of which 21 were retail grocers. In the present year, 1877, there are 47 licensed houses, of which 21 are grocers. There has thus been a total reduction of ten in the number of licences, principally within the last few years.

858. Has that reduction been the result of the action of the magistrates ?—It has.

859. Do you put restrictions on new licences ?—We have generally refused all new licenses.

860. But do you attach conditions with respect to premises upon all kinds of licences ?—The conditions we impose are simply those that are statutory.

861. Of course the statutory limitations are discretionary ? The magistrates are to be satisfied of the respectability of the applicant, and the fitness of the premises, and so on ?—Yes.

862. How do you estimate the fitness of the premises ?—In the case of publichouses, we see that the premises are of ample dimensions, and that all sanitary conditions as to ventilation and so on are complied with ; and if the applicant is a respectable person, we grant the licence. With regard to grocers, we generally have very respectable people engaged in that trade, as will be seen from the small number of licences that are granted. However, you must understand that our population, although in the burgh it is 8000, in the whole parish it is 11,000 ; and therefore, just now, if we take the grocers' licences alone, you will find that we have only one licensed grocer for every 500 of the population, and one publichouse for each 423.

863. Do you apply any test of fitness with respect to the size or value of the grocers' premises ?—No ; we merely use our common opportunities of observation. We do not take any number of cubic feet or anything of that kind, because we are satisfied of the size of shops that are necessary, and we can see them for ourselves.

864. Do you insist on having no back doors ?—No, not in the case of grocers. They behave so well as a rule that we really do not require to interfere with their entrances.

865. Have you had any convictions of grocers for breach of certificate ?—Yes. We have had two yearly for the last ten years.

866. Have you any reason to believe that there is evasion of the law in these grocers' shops, although convictions are not procured ?—I believe there is a little evasion in this way : A friend goes into a respectable house, and wants to see certain liquors, and of course he tastes them. I know of no other way in which it is done ; but I have no doubt it is sometimes done. We have two or three small grocers—very respectable people—who I believe subsist chiefly by the sale of spirits, but the larger number do not.

867. With regard to these smaller grocers who do subsist by the sale of spirits, have you any reason to think that they are in the habit of allowing the spirits to be consumed on the premises ?—I have.

868. You think that is the case ?—It is.

869. Do you think it is desirable that any additional checks should be put upon the sale of spirits by grocers in order to avoid such breaches of the law ?—I think the best check would be to have light so that the police could see into their shops when passing by. The grocers generally have obscured lights in their windows, and if these were done away with, then the police would have an opportunity of finding out all that was going on.

870. It is the practice of grocers in your town to have their lights obscured ?—Several have them, and several have not.

871. *Mr Campbell Swinton*.—Do the magistrates not take that into consideration when application is made for a licence ?—They have not done so hitherto, but they may do it next spring. I don't know that it has been

necessary, because the position of the grocers generally is so respectable; it is only the smaller grocers who have been guilty of these contraventions.

872. *The Chairman*.—Do you think that the sale of spirits in open vessels is undesirable?—The answer which my brother magistrates and I proposed to return to that question was that there was no extensive use of open vessels. Indeed I never saw any myself, and my sphere of observation has been considerable.

873. *Mr Campbell Swinton*.—In what kind of vessels, then, are spirits sold?—Generally in bottles.

874. Of what size?—Gill bottles.

875. Sealed?—No. That would never answer. For instance, in my own case, when I go to see a patient, if I find him ill with cramp I may send out for a glass of brandy immediately, and it would never do for me to get it in a sealed bottle. We are in a hurry then, and we require it at once. Besides the class of inhabitants in our place are such that I do not believe that in a great number of cases they would be able to get the quantity of spirits which would be sold in a sealed bottle.

876. Are the bottles in which they get their spirits little bottles which generally hold a gill?—Yes. In order to show you the nature of our population, I may mention that while our police rates are paid by say over 1900 inhabitants, there are 1400 of these inhabitants who pay only £333 a year of police rates, while the other 500 pay £800, showing that the majority of our population are of a very low class indeed. Instead of introducing anything like repression with regard to this matter, I wish the legislature would step in and compel proper houses to be built for the working classes, and establish a proper system of supervision, with the view of keeping these houses in order. I think that better than anything else would cure this evil of dram-drinking.

877. *The Chairman*.—You are now speaking of the dwelling-houses of the working classes?—Yes. I don't think that introducing the sale of spirits in sealed bottles will cure the evil. On the contrary, it would just give the people the opportunity of bringing a larger quantity of whisky or brandy, or whatever it was, into their houses, and it would be sure to be consumed in a very few minutes. Therefore the smaller the quantity they get in at a time the better for them.

878. Is there anything else you wish to state?—I should wish the publichouses to be enlarged, and no small publichouses allowed. I don't think anything is to be done in the way of repressing grocers such as we have at present, but I think that if there were large publichouses, with proper resorts and conveniences for the recreation of the inhabitants, and if these houses were properly supervised and attended to, it would be a vast benefit to the community, because in that way the people would get good whisky, good material, and they would also get some recreations in an adjoining apartment. I think if these things were done, and if proper house accommodation were provided for the people, that would put a stop to drunkenness better than anything else. These are the suggestions I have to make with regard to publichouses. With regard to grocers, I would stop giving licences to all grocers in a smaller way. We have a few of them in Musselburgh, and perhaps it might be advisable to stop them.

879. *Mr Campbell Swinton*.—Where would you draw the line?—According to rental.

880. What rental would you suggest?—In our place I would consider from £25 to £30 of rental to be low enough, but of course every part of the country must be taken on its own footing. I should also wish that both grocers' shops and publichouses should be obligatorily closed at 10 o'clock at night. At present it is not in our discretion to insist upon any hour for closing. I consider that the legislature should make it obligatory on all houses to close at 10 o'clock, for I find from my experience as a magistrate that the bulk of the crime is committed between 10 and 11 o'clock at night.

881. Is there any necessity for a grocer keeping his shop open as long as 10 o'clock? Do people buy their

groceries so late in the evening as that?—No; with us the grocers shut generally at 8, and some at 7.

882. But that is not compulsory?—No; it is done simply by agreement; but when I spoke of making an obligatory closing at 10 o'clock, I meant that to apply to publichouses as well.

883. *The Chairman*.—Do the licensed grocers all shut every night at 8 o'clock like other shop-keepers?—The licensed grocers shut at present at 8, except on Saturdays.

884. Do they shut as early as that on the Saturday night?—No, some of them shut at 10, while several of our larger grocers shut at 7. I am now speaking of retail grocers: I am not talking of wholesale merchants at all.

885. *Mr Campbell Swinton*.—Do the grocers open earlier in the morning than the publichouses?—Yes.

886. At what time do they open in the morning?—About 6 or 7.

887. Do you think they sell liquor at that time?—There is a suspicion that some of them do so, but we have never been able to trace out a case, and therefore I cannot say whether it has been the case or not.

888. In the case of convictions in your burgh for breach of certificate, have these been followed by a deprivation of the licence?—Some of them have and some have not. They are generally very decent people who have been convicted, and they are allowed another chance; but we have made this a fixed rule among ourselves that if there is a second conviction amongst them they shall lose their licence.

889. *The Chairman*.—I have been asked to put this question to you: Do not the fisher population of Musselburgh buy a considerable quantity of port wine in preference to whisky, and do they procure that wine from the grocers?—They do, but that is merely as a beverage when they come home from what is called 'the draves'; that is at the end of the annual fishing.

890. I have been asked also to put this question to you: Do you find that grocers are preferred by the people for obtaining supplies of spirits for use at home, especially for medical purposes?—Yes. I could explain that by the fact that spirits obtained from the grocers are as a rule better than those obtained from publichouses, or perhaps the grocer's shop is in closer proximity to the people.

891. Do you know whether abuses are believed to occur from sending out liquor in grocers' or hawkers' carts?—That practice is totally unknown with us. I would mention that, taking the whole population of our parish at 11,000—for they all come into Musselburgh for their groceries, &c.—we have only one licensed retail grocer for every 500 of the population, and only one publichouse for every 423; while taking the grocers and publichouses combined, giving a total of 48, there is only at the rate of one licensed house for each 229 of the population. Taking the population in the burgh proper, there is one grocer for every 381.

892. *Mr Campbell Swinton*.—And you don't think that is too many for the class of people?—No, not of grocers. We do not feel that it is too many in our district, for we have been very careful and strict in the administration of the law. I have been threetimes elected provost, and I have looked after this matter very carefully. There is one fact I should wish to draw attention to with regard to our crime. I find that a diminution in the number of the licences has in no way diminished the amount of crime with us. In 1868 the number of convictions for crime was 272; in 1869, 266; in 1876 the number of convictions was 301; while in 1877 they numbered 435. The fact which I wish to point out is that in the last of these years we had only 47 licences, being the smallest number we have ever had.

893. Are any of these convictions of habitual offenders?—The habitual offenders, I may say, may number about one-third of the numbers I have given.

894. How many of the persons were under the influence of drink at the time they committed the crime?—A great number of those who committed the

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crimes are of a very savage nature at best, and when they take drink it bursts out like a disease and makes them worse. When that is the case we fine them very heavily, or send them to prison.

895. *The Chairman.*—Then if the connection between facilities for drinking and the number of crimes be assumed, it may be said that the number of licensed houses in Musselburgh is still in excess of what it ought to be?—Yes, but the figures which I have given would show that there is really no connection between these things, because while in 1868 there were only 272 convictions, in 1877, when there was the fewest number of licences, the convictions amounted to 435. We have the fewest licences this year, and the greatest amount of crime, and therefore the reduction of the licences is not a satisfactory explanation to give for a reduction in the amount of crime.

896. *Mr Campbell Scintion.*—I don't think you gave us the proportion of people who were under the influence of drink at the time when they committed the crime; can you do so?—I should say that the heaviest crimes are mostly all committed while the persons are under the influence of drink. They come tumbling out from the publichouses between 10 and 11 o'clock at night, and they have a right royal fight.

897. Has there been any variation during the time you are speaking of in the numbers and efficiency of the police force?—There has been.

898. Then the additional number of crimes reported and known to you may be the effect of a greater efficiency of the police?—Yes. Mr List was the fiscal for the burgh for many years, and he always employed his own inspector to draw out the libels. The inspector consequently was so far taken off his proper duties, but since Mr List's resignation we have appointed an independent fiscal, and that, I think, is why the convictions are now more numerous.

899. Therefore the fact of the convictions being more numerous does not necessarily prove that the crime has increased in amount, but it may prove to a certain extent that the police are more efficient?—Yes, but in conversing with Mr Baird, the inspector, he stated to me that that would not altogether account for it. He says there are parties who are getting worse in their habits, and whom the police are compelled to take up over and over again. These form the minimum of the number who are actually taken up, but it shows that things are getting worse, and that the people are somehow or other getting more demoralised. There are too many idle working men hanging about the publichouses, and it is for that reason I consider that it would be an advantage if some recreation could be provided for them. If that were done, and if they had improved dwellings, I believe that would go far to diminish the crimes that take place.

14. Dr ALEXANDER G. MILLER. } examined.
15. Dr MENZIES.

Dr Alexander
G. Miller;
Dr Menzies.

900. *The Chairman.*—Dr Miller, I believe you come for the purpose of presenting a memorial to the Commission?—Yes. In order to be exact in what I have to say, I have written it down, and I shall now read my statement. 'Gentlemen,—Dr Menzies and I appear before you, not to give evidence, but to request your permission to lay before you a protest, which has been signed by upwards of sixty of our medical brethren in Edinburgh and the immediate neighbourhood. The letter sending the protest for signature was as follows:—"EDINBURGH, 25th September 1877.—You are respectfully requested to sign and return at your earliest convenience the accompanying protest, which it is proposed to present before the Royal Commission on Grocers' Licences, to meet in this city next week. A similar protest has been signed by 918 medical practitioners in England." The protest itself is in these terms:—"We, the undersigned, being

"members of the medical profession, beg to record our strong persuasion that the facilities for obtaining spirits, wines, and malt liquors, which are provided by the grocers' licences, have a most injurious tendency. This trade is wholly removed from police supervision, is a direct incentive to 'secret drinking,' and interferes with the treatment of habitual drinkers even more than the ordinary trade in intoxicating liquors, as carried on in 'publichouses.' We protest against the continuance of this licence, on grounds moral and medical; and we hold the separation of the sale of intoxicating liquors from that of food as perhaps the most practical step within the power of the legislature towards the mitigation of the evils of intemperance." This protest has been signed by 70 medical men, of whom 55 reside in Edinburgh and Leith. Among these are the names of Professor Balfour, Professor Simpson, Professor Grainger Stewart, Dr Matthews Duncan, Dr Moir, Dr Cumming, Dr Dunsinane, Dr Handyside, Dr Halliday Douglas, Dr Balfour, and Drs Burns Thomson and Lowe, the two medical missionaries who labour in the Canongate and Cowgate of Edinburgh. The second paragraph of the protest refers to the difficulty that we experience in treating cases of habitual drunkenness, especially in women, where the facilities for obtaining drink are so great in grocers' shops, which they enter almost daily for the purchase of other articles. Our protest also seeks to direct the attention of Government to the importance of separating the sale of intoxicating liquors from that of food, in order that the former may be the more thoroughly under supervision and control. As a support to the protest which I have read, I shall, with your permission, read you a similar protest which was circulated in England by the *Lancet*, and received the signatures of 918 medical men, from which also I prepared the Edinburgh protest. Protest held as read as follow:—"We, the undersigned, being members of the medical profession, beg to record our strong persuasion that the facilities for obtaining spirits, wines, stout, and ale, in bottles, which are provided by the grocers' licenses, have a most injurious tendency. We believe women servants and children of respectable households, who could not or would not procure intoxicating drinks at public-houses, are encouraged to purchase and use these liquors by the opportunity offered when visiting the grocer's shop for other purposes. Female domestic servants are often enabled to obtain bottles of spirits, wine, and beer at a small cost, on credit, or as 'commission' on the household bills. This trade is wholly removed from police supervision, and is a direct incentive to 'secret drinking'—a practice more injurious to the health and moral and social prosperity of the community than the ordinary trade in intoxicating liquors as carried on by the licensed victuallers. We protest against the continuance of this licence on grounds moral and medical, and we urge its consideration by a select committee of the House of Peers now investigating the subject of intemperance, and the measures expedient to reduce the evils of excess. The abolition of the special licence, we hold to be the first, and perhaps the most practical step, within the province of the legislature. (Signed by 918 medical men.)' Gentlemen,—Were the subject under your investigation the larger question of intemperance, the medical profession could lay before you plenty of evidence,—evidence both sad and startling. On the subject of the grocers' licences we can offer no direct evidence, for the opinions that we have are formed more from what we have heard from our patients and their friends than from our own personal observation. If I understand aright the statement made by the chairman, and reported in yesterday's papers, to the effect that this Commission is prepared to receive evidence as to the effect of the liquor traffic on the public morals, it is to me a matter of great regret that I was not aware of this sooner; for I am certain that I could have presented to-day a statement from a very large number of the medical profession to

* the effect that the liquor traffic injures grievously both
 * the morals and the bodily health of the community.
 * In fact it may be still fresh in the memory of many
 * that a medical declaration somewhat to that effect has
 * already been signed by a very large number of medical
 * men throughout the kingdom. In conclusion, I
 * should like to state that in all probability I should
 * have obtained more signatures had I not been obliged
 * to circulate the protest at a time when many medical
 * men were out of town.'

901. With reference to a remark in your paper as to a statement made by me at one of the meetings of this Commission, I may say that a question was put by a witness as to the scope of our inquiry, and I read to him the order of reference, but said that of course we could not exclude contingent reference to the effect of drinking upon public morals. Our inquiry has no such wide scope as to introduce the general question of the effect of drinking, but we could not exclude altogether any contingent reference to it. You don't offer evidence, but you do make very strong statements of fact that the facilities for obtaining spirits by grocers' licences have a most injurious tendency. Now that, I presume, means that in your belief many of the cases of drinking which come under your personal observation have been fostered by the purchase of spirits from grocers' shops: is that so?—Exactly; that is to say, that is the belief of each person who signs the protest. He believes what is stated in the protest; but, as I have already said, we have our information at second hand from friends who tell us that our patients, when we order that they are not to receive stimulants of any kind, do get them from grocers' shops.

902. And that the facility of procuring spirits from grocers leads to drinking habits: is that what you mean to say?—I don't think that is included in what is stated in the protest. It is more to this effect, that in the treatment of habitual drinkers the grocers' trade often interferes with our treatment of them. We might have introduced a clause into the protest with regard to the enticing of drinkers, but it is not there.

903. But are we to understand you and the other gentlemen who sign this memorial to allege that the facilities afforded for the purchase of spirits in licensed shops do induce habitual drinking in many cases?—Exactly.

904. And you make that allegation from information given to you in the course of your professional practice?—Yes, that is what we mean.

905. But then when you protest against the continuance of these licences you assume that the trade cannot be brought under proper supervision?—We assume that it is not under proper supervision.

906. You protest against the continuance of licences, but that is assuming that the trade must be wholly removed from police supervision, and cannot be brought under similar checks to those imposed on publichouses?—That is my personal opinion.

907. *Mr Campbell Swinton*.—Your belief is not that it is not, but that it cannot be brought under such supervision?—My personal opinion is that it cannot be so well brought under it. I cannot speak for the opinion of others on that point.

908. *The Chairman*.—Allow me to put to you the effect of your argument. All persons can resort freely to the publichouse, and provided drink is not given to them to excess, there is no limit to what they can buy to consume on the spot, while of course they can take drink away if they like; is not that so?—Yes.

909. On the other hand, a grocer can sell to all comers, but he breaks the law if he allows spirits to be drunk on the premises. Now, supposing that greater facilities be provided for preventing people from drinking on the premises, how would habitual drinking be more promoted by the sale by grocers than by the sale of spirits by publicans?—That is a mere hypothesis: it is supposing a thing which does not exist.

910. But yours is a hypothesis also: you assume that police supervision cannot be applied to the trade; but supposing that police supervision can be applied, what

then?—I don't see myself that police supervision cannot be applied; that depends upon the police.

911. But you state in your memorial that the trade is wholly removed from police supervision, and therefore you protest against the continuance of these licences: now, I ask you, supposing police supervision can be afforded, what would be your opinion. The last witness has told us that if the windows of the licensed grocers' premises were not obscured, so that the police could see in from the street, then liquor could not be so easily consumed on the premises: would not that be bringing the trade under police supervision?—I can quite believe that, and there is no doubt that if the licensed grocers were put under careful restriction, and under very careful police supervision, it would be better for the community; I think no one can deny that.

912. *Sheriff Crichton*.—I think the first part of the second paragraph of the memorial is not quite correct. You say there 'the trade is wholly removed from police supervision.' Now that is not the case?—You are quite right. In framing the memorial, as I have already said, I copied it very much from the *Lancet's* memorial, and if I had put in exactly what I meant, I would have said that the trade is virtually removed from police supervision. That would have been the proper word.

913. *Mr Campbell Swinton*.—But allow me to put this case: Supposing the law to be so altered that the consumption of liquor on the premises in the case of grocers was entirely put an end to, would you still think that there are greater temptations thrown out by the sale of liquor by grocers than there are by the sale of liquor by publicans?—I don't quite understand the question.

914. I say, suppose the law was in such a position that the consumption of liquor on the premises was entirely and effectually put an end to, would you still think that the existence of a power to sell in the hands of grocers gives a temptation which is not presented by publichouses?—That would be a matter of opinion, and I really am not prepared to answer the question, because I have not seen or heard of such working.

915. You are not prepared to say that the fact that women going to grocers' shops in order to purchase their groceries of itself exposes them to a temptation which they would not be under by going to publichouses?—Certainly not, unless the liquor is there.

916. But I am supposing the liquor to be there, only that it is not there to be consumed on the premises?—Of course if it was not consumed on the premises there would not be so great a risk, but if you take the case of a female who is addicted to intemperance, and who has what Sir Robert Christison very properly calls 'drink craving,' she will take it wherever she can get it. It will be an inducement to her even to see it in the grocer's shop; the black bottle would suggest the idea of drink, but the fact that she could not buy a small quantity of drink to be taken away from the premises would certainly be a precaution.

917. But I suppose that a woman who had the drink craving on her, if she could not get drink from the grocer's, would go to the publichouse for it?—If she had reached a certain stage she certainly would, but then there are many who are not at such a stage as that. There is a certain stage in drink craving at which a person gets beyond all moral considerations whatever, and will do anything under the sun to get drink; but there are minor grades of the disease, and a drink craver must necessarily pass through the initial stages when he does not have such a great craving as that.

918. But what I want to know is whether, independently altogether of the facility of temptation to drink on the premises, the sale of liquors by persons who also sell groceries affords greater temptations than are held out by publichouses?—I am not prepared to answer that, because, as I have already said, I have no evidence as to the result of such a trade; but I have no hesitation in saying that the mere fact of drink being on the shelves of the grocer's shop, if it were nothing else, would certainly be a temptation. Whether it would be a greater temptation than the publichouse I am not prepared to answer.

919. You don't think that the mere fact of a woman

EDINBURGH.

*Dr Alexander
 G. Miller;
 Dr Menzies.*

EDINBURGH. going to the shop to buy groceries puts a temptation in her way which she otherwise would not have?—Yes, I do. If it is there in any form, and sold in any way, it must be a temptation of a certain kind.

Dr Alexander
G. Miller;
Dr Menzies.

920. Then you do think that the sale of drink by grocers is an evil independently of the danger of drinking on the premises?—Most assuredly.

921. And that even if the drinking on the premises could be entirely and conclusively prevented, still the selling of intoxicating liquor by a grocer is an evil?—It would still be an evil, but certainly a very much less evil than the publichouse.

922. Mr Ferguson.—Do you mean the injurious tendency that you refer to as applying to drinking on the premises, or to the whole question of buying small quantities and taking it home and drinking it there?—I think it includes everything—drinking on the premises and buying on the premises.

923. But have you had special evidence that the drinking on the premises has interfered with your treatment of habitual drinkers?—I cannot say that I have heard anything definite as to that. There has just been the general fact stated to us by our patients or their friends, that drink is got at the grocers' shops, and I know as a fact—if I may be allowed to say it—that even in the upper ranks the facilities for getting spirits at the grocers are made use of to a considerable extent by ladies and others. For instance, a lady driving in a cab would not care to stop at a publichouse, but she has no hesitation in stopping at a grocer's shop.

924. The Chairman.—Has it come under your notice that it is common for people of the better class to take to secret spirit drinking?—I think it is not only common, but it is getting more common, especially amongst females.

925. Mr Campbell Swinton.—When you say that ladies have no hesitation in stopping their cab at a grocer's shop, do you mean that they go in and take a glass there?—Not necessarily; they may get the spirits in a bottle and put it in their pocket and take it home. I think a lady would hesitate to drink a glass of spirits across the counter, especially if there was any one else there.

926. The Chairman.—There has been put into my hands an extract from the *British Medical Journal* of 17th February 1877, on the subject of grocers' licences, which refers to the objections stated against them, and which says: 'The tendency of the grocers' wine licence is to rob the drinking bar of some of its customers, and to substitute home influences for those of the gin-palace and the beer-house. So far as the influence of the beer-house and the gin-palace has weight, that weight is thrown into the scale of immoderate, unnecessary, and rapid drinking, without taking food. The wine and the spirits purchased at the grocery are consumed at home, under family influences, and the checks and restraints which those influences are likely to have upon excess. Moreover, the wine and spirits so purchased are much more likely to be consumed at meal-times, and in rational and comparatively harmless measure. The grocer has no licence to allow wine or spirits to be consumed on the premises; and if all licences could be restricted in the same way, it is probable that this would do more to check excessive drinking than any other step which could be devised.' That would not agree with your opinion?—Yes, so far I admit, and I think any one will admit, that it would be a good thing if there was no drinking across the counter, because, as I have already said, there are drinkers and drinkers. Everybody is not a drink craver, who will take liquor wherever he can get it. It would certainly be an improvement if there was to be no drink allowed to be consumed across the counter, for I think that would imply the idea that there were to be no publichouses, and that you were to shut them all and grant nothing but bottle licences: that would certainly be a good measure.

927. The extract which I have read says that the granting of wine and spirit licences to grocers has in

their opinion a good effect, because it diminishes the amount of rapid drinking, and encourages the taking of drink quietly at home: is that your opinion?—I don't know that I would say that myself, because I think that every place where drink is sold is an extra focus for evil. I have no personal experience on the matter, and I cannot speak from suggestions as to whether an increase in the number of licensed grocers would diminish the number of people who go to the publichouses.

928. But personally you are opposed as a rule to the taking of spirits?—Yes, certainly.

929. Do you go the length of practising and inculcating total abstinence?—I am a total abstainer, and I have always been so.

930. Mr Ferguson.—Do you carry that out in your profession, or do you administer alcohol professionally?—I don't think that that is a very fair question to put to me, but I have no hesitation in saying that where I find it necessary I do administer stimulants. I don't see that any practical man can do otherwise. But the question of course is where it is necessary; and there is no doubt of this, that medical men are now administering stimulants less than they ever did. One gentleman who signed the protest told me that, in his opinion, if every publichouse and every place where drink was sold was shut up, nobody would die in consequence.

931. Mr Campbell Swinton.—I suppose you think, as many teetotallers do, that the very fact of abstinence makes the effect of alcohol more salutary as a medicine?—Yes. There is no doubt that an abstainer when he does need a stimulant needs a smaller quantity, and he is also less likely to want it.

932. The Chairman.—Do I understand you to express the opinion that it would be better that the people who want drink and who will have it should have to go to the publichouse for it rather than buy it at the grocer's?—I think so.

933. Why so?—Because there would then be fewer opportunities for getting it. If you take away the grocers' licences, you take away so many opportunities for getting drink.

934. And you think that drink would have to be got in a more public manner?—Yes, and in a place which the police could inspect and look after more thoroughly.

935. But still your objections to the present system and the selling of drink by grocers would be modified from one point of view if the facilities for police supervision were increased?—There is no doubt of that. It will be much more satisfactory to know that the police had proper facilities for supervision in these cases. I said just now that the taking away of the grocer's licence would reduce the amount of facilities which at present exist for obtaining drink. I may mention as an instance of that, that at the foot of Inverleith Row there is a grocer's shop, and if that man had no licence people would have to go nearly a mile for a glass of whisky. That certainly would have a salutary effect on the neighbourhood. I believe there is no publichouse within a mile of the foot of Inverleith Row.

936. Mr Campbell Swinton.—But people who are not teetotallers might think that a very great hardship?—Perhaps so, but I think a wise man and a philanthropic man—and everybody ought to be philanthropic—would not mind sacrificing his own convenience a little for the general good.

937. Do I understand you to say—because it is contrary to what I have heard alleged—that medical men now are prescribing stimulants less than they used to do?—Yes. Medical men that I am acquainted with say so.

938. The Chairman (to Dr Menzies).—Do you agree generally in what Dr Miller has said?—Dr Menzies.—Yes.

939. Is there anything you would like to add?—No.

940. You are also a medical practitioner in Edinburgh?—Yes.

16. Provost EWEN, Hawick, examined.

941. *The Chairman*.—You are provost of the burgh?—Yes, and a justice of the peace for the county of Roxburgh.

942. How long have you been provost?—For two years, and I have been four years a magistrate.

943. And while you have been a magistrate, have you taken a personal interest in the granting of licences?—I have.

944. Would you tell the Commission the number of licences of various kinds that are at present held in the burgh?—I have a return here from the superintendent of police, which will give the information.

Spirit Licences granted for the Burgh of Hawick:—

Year.	Hotels.	Public Houses.	Grocers.	Total.	Number Convicted.
1870	11	14	34	59	13
1871	11	14	34	59	9
1872	10	13	33	56	12
1873	12	11	32	55	8
1874	11	9	29	49	3
1875	13	6	26	45	1
1876	10	6	22	38	3
1877	8	6	23	37	2
Total 51					

The following table shows the number of convictions obtained against grocers in each of the following years, viz:—

Year.	Convicted.
1868.....	5
1869.....	5
1870.....	6
1871.....	4
1872.....	5
1873.....	2
1874.....	None.
1875.....	1
1876.....	1
1877.....	None.

Total, 29

Since about 1873, the convictions against grocers have been falling off very much. I explain that by the fact that since then the licences have been very much reduced. The magistrates began to exercise a stricter surveillance over the houses, and they took away the licence from small dealers, and those whom they had reason to suspect abused the law; and hence it is that there are fewer licences and fewer convictions.

945. You have anticipated a question I was to put to you,—whether the magistrates do exercise a strict supervision over the character of the houses for which licences are asked?—They have done so of late.

946. Do they also endeavour to keep the number as low as they can?—They do.

947. And that you have stated has had a beneficial result?—It has.

948. Have you reason to believe that in spite of these precautions there is any considerable evasion of the law by the licensed grocers?—I have consulted with my brother magistrates about that, and it is our opinion that the law is as strictly observed as the magistrates and police can do it. We have reason to believe that there may be some evasions, but they are not to a very great extent.

949. Then you have no reason to believe that it is a common practice to allow spirits to be consumed on the premises of licensed grocers?—It is not. It may be done; but I may say I asked the superintendent of police about that, and he says that, so far as he can detect it, there is not much of it. He admitted that there may be a little; and I said to him, 'Why don't you make inquiry?' He said, 'We have not the power to go into a licensed grocer's shop, unless we have a written authority.'

950. *Mr Campbell Swinton*.—Unless they have reason

to believe that the Act is being evaded; they don't require written authority?—I think he said to me that he understood he required a written authority.

951. For what kind of breaches of the law were the convictions generally obtained?—Of course they were just for drinking at the counter.

952. But was it just for going in to toss off a dram at the counter, or was it for going in to the back-shop to have a regular booze?—I don't think that anything of the latter kind goes on. Some person must have been seen drinking on the premises.

953. *The Chairman*.—Can you suggest any further restrictions to be imposed by law, which you think would produce a more beneficial result?—The answer which I had prepared to that question, and to which I still adhere, was as follows:—There may be some evasions of the laws by grocers so licensed, but I am of opinion that they are not numerous in the town at this time; and I don't think evasions could altogether be prevented so long as the habits of a number of people in this country do not incline more towards temperance than they do. I have seen in other countries, where there is less restriction upon the sale of intoxicating drink than there is in this country, that the people in these foreign countries are more sober in their habits than the people in this country are; yet I believe the restrictions placed upon the sale of drink in Scotland are necessary, but I am not quite of opinion that we could go much further. The present restrictions I consider to be necessary and beneficial. I would not trust to restrictions producing temperate habits unless people at the same time try to take a higher standard of social life than is at present common. There is as much necessity for encouraging elevating influences as directing attention to further restrictions on the sale of drink by grocers. I am afraid that if grocers were prevented from selling drink, the spirit trade might fall into worse hands, for so long as there is a demand for drink for domestic use it will be supplied in some way or other.

954. *Mr Campbell Swinton*.—Why do you think it would fall into worse hands?—I have travelled a good deal in Scotland, and seen several of the towns, and it is my opinion that where in towns we see a great number of spirit shops it is a very bad sign of the habits of the people. I think the trade, so far as I have seen, is better conducted when it is in the hands of licensed grocers than it is when it is thrown into the hands of occupiers of what are called spirit cellars and gin palaces and places of that kind. I could name several towns where these are very numerous, such as Falkirk, Airdrie, Coatbridge, Greenock, Leith, Stranraer, and others, where these places abound. There are other towns where they are not so abundant; and I think the appearance of the people there is as good as where the spirit trade is in the hands of the keepers of those spirit cellars.

955. *The Chairman*.—Then you would lay stress upon the trade, whether for consumption on or off the premises, being in few and respectable hands?—Yes. I think that in those places I have named, the spirit shops seem to be very numerous for the population.

956. Would you think it important that there should be a high restriction in point of value placed upon the premises in which the trade is to be carried on?—I don't think so. I think that would depend entirely upon the locality, and also upon the character of the towns. For instance, in Edinburgh rents would be very high in proportion, and therefore if you were fixing the rent at £20 or £30, you would get a similar house in the country for perhaps £7.

957. *Mr Campbell Swinton*.—But you could have a minimum rent varying according to the locality, could you not?—I think it would be better to leave that matter in the hands of the magistrates. They could judge of each case according to circumstances; and indeed that is what we always do.

958. Do you consider the nature of the premises with regard to the facilities for evading the law? For example, do you insist on there being no back doors?—We do whenever we have reason to suspect that they would be abused.

EDINBURGH.

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Provost
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*Protest
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959. Even in the case of grocers?—Even in the case of grocers, where applications are made for new premises.

960. Have you any rule as to whether it should be competent to have the dwelling-house and shop contiguous or communicating with one another?—No; we have not laid down that rule, because we know the parties very well, and we take into account the character of the party who is making the application. There are some parties in Hawick who have their dwelling-house combined with their shop, but we don't like that. We like it better when the licensed place can be shut off; and in the case of new houses for which licences are now granted we make it a stipulation that the whole back doors must be shut up.

961. *Sheriff Crichton.*—And that there shall be no communication with the dwelling-house?—Yes, in the case of new houses; but in the case of old houses, where they have not been transgressing, we do not insist upon that.

962. *Mr Campbell Swinton.*—Were the convictions which you have told us of followed by a forfeiture of the licence?—Not always, but I think the law is that if there are three convictions, the licence must be forfeited.

963. Do you forfeit them for even less than the number of convictions specified by the law?—We forfeit them for one conviction where we think fit. We have come to no definite understanding about that; but where a party has once transgressed the law, if we think it likely that he will do it again, we consider his case amongst ourselves at the next Licensing Court.

964. Then you don't always forfeit the licence for one conviction?—No; because there are some convictions where you might almost say that the offence was accidental.

965. But you always forfeit it for two or for anything like a serious contravention?—We have no rule about that.

966. *The Chairman.*—You have said that you think it had better be left to the discretion of the magistrates to fix the minimum scale of rental that should be required for licensed premises?—I would say so.

967. But you have yourself pointed out that in many towns in Scotland the number of licences granted has been very large, and they have been granted to small places?—I did not exactly mean that they were granted to small places, but they were very numerous.

968. That would show that the discretion given to magistrates has been very variously exercised, would it not?—It would.

969. And it has not been effectual in keeping down the number of drinking houses?—No; but I am afraid that any law that you might make, unless the magistrates and police carried it out properly, would be ineffectual.

970. However, as you have expressed an opinion on the matter, I may put it to you that sometimes there has been a firm and judicious discretion exercised, but that at other times they seem to have allowed public-houses to be very numerous. Now, where they allow them to be multiplied indefinitely, it may be supposed that their character would be lowered, may it not, the trade being so much divided?—I would draw the inference from that, that where there are more houses there is more drinking. Where there are many of these gin palaces and spirit shops in a town I think it is a sign that there is more drinking than in a town where the trade is more confined to licensed grocers. That would be my inference from it, although I may be wrong.

971. You would prefer, then, that it should be in the hands of the grocers,—that is to say that it should not be for consumption on the premises?—Not for consumption on the premises, clearly. I don't mean to say that I would like to see it altogether in the hands of licensed grocers, but I would not go the length of saying—indeed, I would have a doubt if it would do good—to take it away from the licensed grocers altogether in country places.

972. *Mr Campbell Swinton.*—Is that because you think the effect would be to drive the people to the publichouses?—I think it would. It would send them to the spirit shops.

973. You think that if people, without any blame to

them, want drink to be consumed in their families, it is better for them to get it from the grocers than in publichouses?—That is my opinion, gathered from what I have seen.

974. *The Chairman.*—I am asked to put to you this question: Is it the fact that a large portion of the grocers' trade in Hawick is done at co-operative stores, where there are no liquors sold?—A great part of it.

975. Is the want of liquors at these stores considered to be a wise arrangement?—That is a matter for the directors to decide upon, I think.

976. But is it considered to be beneficial from a public point of view?—I think it is. At the same time I don't think it would do for every grocer to be limited in the same way. Neither would I like to see the co-operative stores starting to sell drink upon the co-operative system; they would get a great many customers, I think.

977. *Mr Ferguson.*—Are you an employer of labour?—I am.

978. What is the nature of your business?—A woollen manufacturer and hosier.

979. *The Chairman.*—Is there anything else you would like to tell us?—There is a question in the circular about hawkers' carts, as to which I may say a word.

980. Are there any abuses supposed to occur in your neighbourhood through the practice of sending out liquor in grocers' or hawkers' carts?—There are a great many hawkers' carts that go out from Hawick. Indeed, they go all round the neighbourhood to the borders, to supply country people with necessities. I have made inquiry about them, and I find that they are common carriers, or what we call 'cadgers,' who go to the country places and gather eggs and butter and so on, which they bring into the town, and then they take groceries out to the country. They are practically employed as carriers, but sometimes they act as dealers as well. I am told that in general their trade is carried on in a very legitimate way,—that is to say, a farmer orders groceries or whatever he wants from a grocer's shop to be sent out to the country, and the carrier takes them out and delivers them; but I am also told that there are some brewers' carts, and some licensed grocers send out their own carts to the country, and that some abuses occur in that way through their giving away or selling ale and spirits from the carts without having previously got orders for them. I believe the law is that the spirits must be ordered before being taken out.

981. *Mr Campbell Swinton.*—The law is that they can only sell in their premises, and getting an order is selling in their premises, although the goods are delivered in the country?—Well, I have been told that there are abuses occurring in that way, although I don't know it of my own knowledge; but if there are such abuses, I think the law at present is stringent enough to check them.

982. *The Chairman.*—The statement made to us with regard to that matter is to the effect that the police find it very difficult to discover many of these evasions from the want of evidence. I should like to ask you now whether there are in Hawick many of the licensed grocers who subsist chiefly by the sale of spirits?—I don't think there are any.

983. Did you ever know of a case in which a man asked for a publichouse licence, and got a grocer's licence?—No; I don't recollect of any case of that kind. They have asked for a hotel licence and got a publichouse licence, but not the other.

984. Is there anything further you wish to say?—No, except this, that I think, as the law stands at present, the ratepayers and electors in a town have the matter very much in their own hands. They have the control of the election of magistrates; and if they would put magistrates in to office who would insist on the law being carried out, and if they would also take the trouble of objecting to certain parties when they come forward applying for licences,—that is to say, if the people in the neighbourhood of an intended licensed house would take the trouble to lodge objections to it,—the state of matters might be very much improved.

985. *Mr Campbell Swinton*.—Have they got that power with regard to grocers?—They have. The names of applicants for licences are always published beforehand, and I take the object of that to be that the whole public may see who is applying for a licence, so that, if it is thought desirable, objections may be lodged. The practice in Hawick has been to allow memorials to be sent in, signed by the people in the neighbourhood, and the magistrates have judged by these memorials.

986. But in point of fact, I suppose these objections that have been lodged have had reference to public-houses rather than to grocers?—To grocers as well, and there have also been memorials in favour of particular applications. At the last Licensing Court in Hawick there was a petition sent in signed by almost 200 residents in the neighbourhood, asking that a grocer's licence should be granted for a shop; while there were memorials against others. I think that is a fact that might be taken notice of.

987. *The Chairman*.—Where the magistrates are known to pay attention to memorials, they are sure to be got up on one side or the other, I suppose?—I think it is only right that the magistrates should pay attention to them.

988. But I mean, it would account for memorials coming in in support of an application for a licence if it was known that the magistrates would take notice of them?—I think so.

989. So that a man applying for a licence would go about to get up a memorial to begin with?—Yes. There was a case where an applicant came forward, and there was both a memorial for him and a memorial against him, and it was for the magistrates to consider which required most attention. I mention that because I think the people have the thing very much in their own hands, if they like to work it out in that way. I would say if two thirds of the ratepayers living within a circle of, say, a hundred yards of a licensed house, objected to it, that licence should be refused.

990. Then in some of the towns you have mentioned, where public opinion is in favour of plenty of houses, the magistrates would have no check put upon them?—They could do as they thought fit, but I imagine that in all towns it will be the demand that will create the supply. In the circular which we have received, the question is asked whether the sale in open vessels is very considerable. The superintendent of police says that it is considerable in certain districts,—that is in places where the working people live. I have also here a statement of the number of persons brought before the magistrates charged with drunkenness during the last three years. It is: Year 1875, 165; 1876, 234; 1877, first nine months, 168. I see also that reference has been made to the number of licences in proportion to the population, and I can give some information with regard to that in the case of Hawick. I assume that the population is 13,000; it is rather more I think, but taking it at 13,000, that gives one licence, including both grocers and publichouses, to every 351, or one to every 70 families. With regard to the propriety of compelling the sale of spirits in closed vessels, I don't think it could be carried out; and I think it would be a hardship to enforce any such rule.

991. Do you know that it is the law in England that grocers can only sell in a sealed bottle, and in a quantity not less than one quart?—I was not aware of that. I don't think it could be enforced here, and I think it would be a hardship, because a person wanting a small quantity is just as much entitled to get it as another man who orders a dozen. At the same time I wish to say that, in giving these answers, I am giving them merely as the results of my own observation. I am not giving them as a tototaller or the reverse. About the hours, I think, if I might be allowed to suggest, that there should be a clause that licensed grocers should shut at 8 o'clock. I think that would be no hardship to them, and it would be only reasonable.

992. *Mr Campbell Swinton*.—And still more, I suppose, that they should not open before 8 in the morning?—They don't open before 8 in the morning at present.

993. They cannot sell liquor before 8 in the morning, but they may open as soon as they like?—Yes.

994. *Sheriff Crichton*.—Would you have them restricted from selling other commodities at hours when they were prohibited from selling drink?—I don't think you could prevent them from selling drink at hours when they could sell other commodities.

995. Then would you have them prevented from selling drink between 8 p.m. and 8 a.m.?—Yes, I think the shops should be shut then, and for this reason, that other grocers complain that the licensed grocers have an advantage over them, and this would be a sort of restriction upon licensed grocers, and perhaps not so many of them would apply for licences if there was that restriction upon them, and they were made to shut their shops at an earlier hour.

996. *Mr Campbell Swinton*.—Have the working classes any necessity for buying groceries after 8 o'clock in the evening?—If they liked to go out sooner, they could be served sooner; but I see in Hawick that if the grocers keep open late, their customers are late in coming to the shop, and I think it would be doing good to all parties to shut a little earlier. I think it would be no hardship whatever.

997. And in the same way I suppose you think they should not open their premises in the morning sooner than the publichouses?—I think if there are to be restrictions upon them at all, it should be to the effect that they are not to open before a certain hour and shut at a certain hour, and so let the police have a proper control over them; but I have not a strong opinion on that matter, not having had any experience in that way.

17. MR GEORGE HENRY LIST, examined.

998. *The Chairman*.—You are chief constable of Berwickshire and East Lothian?—I am.

999. You have had charge of the Berwickshire police for 16 years, and of the police of Haddingtonshire for 37 years?—Yes. I have had the joint charge for 16 years, and for 21 years previous to that I had charge of East Lothian; while for 5 years prior to that I was superintendent of police in the burgh of Musselburgh.

1000. You state in your answers to our circular that you consider that the sale of spirits by licensed grocers has extensively increased of late years?—It has, in consequence of the increase in wages. When the working man had more money to spend, he spent more of it in whisky, and that has continued.

1001. So that there is a change in the habits of the working people, and excisable liquors are now to a greater extent a part of their usual diet?—Yes, very much so indeed, both as regards spirits and bottled ales. The bottle carts going over the country now are twenty to one what they used to be.

1002. Then these dealers are in the habit of sending carts containing excisable liquors to their customers in the country: is that so?—There is a class of people termed bottlers, who bottle the ales, and who send them out in those carts that you meet on the roads. There are certain districts that they go round week by week, and they call regularly at different places.

1003. Are these the persons who supply the grocers?—They supply everybody who will buy from them—grocers, labourers, and every one. They call at the houses as they go along, and they may sell a couple of bottles if they have been previously ordered.

1004. They are wholesale and retail dealers?—They are retail dealers; they have a retail licence. I suppose they will have a wholesale licence too, but it is the retail trade they look to.

1005. *Mr Campbell Swinton*.—But they have no certificate?—Yes, they have a certificate which they get from the magistrates, and a licence from the Excise.

1006. Have they a grocer's certificate?—They have a certificate allowing them to send out beer.

1007. *Sheriff Crichton*.—But they have only a publichouse certificate?—They have a certificate to sell for consumption off the premises.

1008. As wholesale dealers they supply the country

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1009. Their wholesale licence allows them to sell not less than two gallons, and that they get from the Excise without any certificate at all from the magistrates?—Yes.

1010. The retail licence they require to get on application to the magistrates for a certificate?—They do.

1011. *The Chairman*.—Have you control over the police of some of the burghs, as well as of the county?—The police of all the burghs in the two counties are under my charge.

1012. Then the licences are granted probably in different proportions in the several jurisdictions?—I can give you the whole details of them if you wish it, or I can put it in a tabular form. In Berwickshire, for instance, in the landward part, there are 52 inns, 12 publichouses, 41 licensed grocers, and there are 228 unlicensed grocers. Many of the latter are very small shops, but still they sell groceries. About one-half of them will be reasonably-sized shops.

1013. They probably sell tobacco as well as groceries?—Yes. Then in the burgh of Lauder there are 3 inns, 2 publichouses, 6 licensed and 11 unlicensed grocers.

1014. Has it been the general result through the two counties under your charge that the number of licences has decreased of late years?—They have decreased.

1015. Both publichouse licences and grocers'?—Yes. I think there has been a slight decrease.

1016. Is it the custom of the magistrates to require some strict conditions in granting the licences?—It is. The East Lothian justices for a far period back framed regulations for the granting of licences. I think it is the only county in Scotland that ever has done so. I now put in a copy of these regulations. (See App. D, p. 501.)

1017. These regulations require the appointment of a licensing committee?—The justices formed a licensing committee some 25 years ago. That committee considers all applications for licences coming before them for the whole landward part of the county; they call for a report from me, and then they make a report to the licensing justices. If they report that any person should be refused, that person gets notice to appear, so that he may have an opportunity of being heard; and they fix, as you will see in the regulations, the number of each class of houses in each town or district.

1018. Do not these regulations, provide, in the first place, that very full information shall be supplied to justices with regard to the applications for licences, and also limit the number of licences that can be granted for any particular parish or district?—They do; but the general meeting have power to over-rule that committee if they choose. The committee merely recommend.

1019. *Mr Campbell Swinton*.—Do the justices in point of fact often over-rule the decisions of the committee?—I don't think they have done so oftener than twice in over 25 years.

1020. *The Chairman*.—But I suppose the system has had a somewhat uniform application in the way of reducing the licences by the licensing committee?—Decidedly. That will be evident when I tell you that the number of licensed houses in East Lothian, landward part, in 1841 was 140, while last year it was 68.

1021. Again, I observe the licensing committee have laid down that no new licences, except under particular circumstances, shall be granted in large villages for premises which are not worth the yearly value of £10, and in more remote places which are not worth more than £7. Has that limitation tended to confine the licences to houses of a respectable class?—It has. That was the intention of it.

1022. That limitation refers to grocers as well as to publichouses?—Yes, to the whole.

1023. Has the limitation carried out by these regulations had the effect of reducing intemperance, so far as it comes under the notice of the police?—It may have prevented a greater amount of intemperance than we see, but I cannot say that it has reduced it, for we have still a very great deal of it. I can show that by comparing the criminal returns of the two counties, because the

population of the two are within a thousand of each other, but the difference in the convictions for drunkenness in the two is most remarkable. In the county of Berwick the population is 36,468. The number of licensed houses is: inns, 55; publichouses, 14 (12 in the landward part and 2 in Lauder); licensed grocers, 47. The total number of persons convicted of crime in Berwickshire was 464: of these there were convicted of being drunk and incapable, 33; and for breach of certificate, 5 (all of them being publichouse keepers). In the county of Haddington the population is now 37,676. The number of licensed houses in that county is 139; being 30 inns, 28 publichouses, and 81 licensed grocers. The total number of convictions for all classes of crimes was 1310, of which there were for being drunk and incapable, 164; and for breach of certificate, 9 (all of them being publichouses.)

1024. How do the convictions for offences connected with drinking compare in other years?—They are very much the same.

1025. But then, while you say that there have been a good many such convictions, and at the same time efforts on the part of the justices to keep down the number of licensed houses, you said just now that there was a good deal of liquor distributed over the country by the wholesale dealers?—There is, but the great majority of these convictions are in the burghs, which are amalgamated with the counties. I am just now contrasting the number of convictions in the one county with the number in the other. The county of Berwick has a very small burgh, with about 1000 of a population, Lauder; while the other county has three largish burghs, Haddington, Dunbar, and North Berwick, and these bring up the totals very considerably.

1026. *Mr Campbell Swinton*.—Do you think that accounts for the discrepancy between the two?—I do. The convictions in the burghs alone amount to about 800.

1027. *The Chairman*.—I don't think you have given us the convictions obtained against grocers for breach of certificate. Have they been numerous?—No. In the county of Berwick during the last five years there were two licensed grocers convicted. In the county of Haddington, during the same period, there were twelve, most of them in the burghs.

1028. While there have been so few convictions, is it your opinion that there are nevertheless many evasions of the law by licensed grocers?—Yes. The police have not the same power to visit grocers' premises that they have to visit publichouses, and people get drink behind screens and in back shops.

1029. Is it your opinion that such evasions are common?—They are, in some houses. Some respectable houses won't permit them, and therefore I consider the restriction in the number of licensed houses tends to secure respectability, because they have a serious stake in the trade.

1030. Do you think that the efficiency of police supervision could be largely increased by any change in the law?—The power might be given to the police to visit these places the same as publichouses. Without such visitation, it is impossible to detect offenders. Most of the twelve cases I have mentioned were proved by calling parties as witnesses whom we saw coming out—they having apparently been drinking inside.

1031. Have you observed if it is a common practice with licensed grocers to have their windows obscured, so that it cannot be seen from the street what is going on within?—That seems to be general.

1032. Do you think that drinking goes on in some of these houses before the legal hours, owing to their being able to open earlier for their ordinary business?—Not to any great extent.

1033. *Mr Campbell Swinton*.—Is there any reason for having these obscured windows except for the perpetration of illegality?—They make a pretence of showing off their commodities. The windows are generally dressed up with what they have to sell.

1034. You mean that the windows are obscured in that way? You do not mean that they have thick glass in them?—No. It is simply by goods being so piled up that you cannot see through them.

1035. *The Chairman*.—And that they have to do in the ordinary course of their trade?—Yes.

1036. It would be very difficult in that case to insist on people being able to see well into their windows?—I cannot see how that would be possible.

1037. Do you think that drinking goes on in the licensed grocers' shops before 8 o'clock in the morning?—Not to any great extent. I should say there was very little of that.

1038. But is it not a common thing in some parts of your counties for working men to have a dram in the morning?—It is.

1039. They cannot get that in the publichouse before 8 o'clock in the morning?—They can in a certain district. In the town of Haddington the magistrates have allowed the whole of the publichouses and inn-keepers to be open at 7, which is contrary to law, because the Act of Parliament says, as was decided in the case of *Rothsay*, that it is only in a district of a town that that can be done. The Act is quite clear that in a district of a town the magistrates may grant other hours. For instance the magistrates at *Ayton* granted longer hours to *Eyemouth* during the fishing season—from 6 o'clock in the morning; but that is only a district of the county.

1040. There is a temptation to an unscrupulous dealer to sell whisky before the lawful hours if he can open his shop for the sale of groceries before the publichouse hours, is there not?—Decidedly. I consider that the licensed grocer should be allowed to open his shop from 8 o'clock in the morning until 8 o'clock at night every day in the week except Saturday, and on Saturday until 11.

1041. But then on what grounds could you compel the licensed grocer to shut at 8 o'clock in the evening, if the publican can keep open till 11?—You would discourage private drinking to a certain extent, which I am sorry to say has increased very much.

1042. Would you by that means discourage private drinking, because if a man buys a bottle of whisky at 8 o'clock and takes it home and drinks it there, he would merely be drinking at home instead of drinking in the publichouse, would he not?—If he was a man who would go to the publichouse he would; but you are dealing with the class who are intemperate, and have not money to spend, and the great majority of whom get their drink upon credit. I have before me, but I do not wish to put it in, an account that I got regarding a working man; it is for £3, 8s. for the month of May, and 19s. 6d. of it is for drink. He says he did not know that his wife was getting that drink; it was all got in small quantities.

1043. *Sheriff Crichton*.—Is it marked in the account as drink?—Yes, whisky. The account I may say amounts to £3, 16s.; but there is 8s. carried over from a pass-book, so that I take it at £3, 8s., of which, as I have said, 19s. 6d. is for whisky.

1044. *The Chairman*.—How would you check such traffic by shutting up the grocers at 8 o'clock? Suppose a person wanted whisky after 8 o'clock for consumption in the evening, would he not just go to the publichouse for it?—He would not have the money. In the case of those intemperate persons to whom I am referring, you will find that in nine cases out of ten their wages are spent by Monday morning, and throughout the week they get their whisky on credit.

1045. *Mr Campbell Swinton*.—And the grocer gives him credit, which the publican cannot?—Yes. The publican cannot recover.

1046. Neither can the grocer recover, for whisky sold on credit?—No; but he expects that he will be able to recover it along with other things.

1047. *Sheriff Crichton*.—Is it easier to get a payment to account under a grocer's account than it would be for a publichouse keeper to get payment, if he gave credit?—Yes. The publichouse keeper could not give much credit,—not to anything like the extent that a grocer could.

1048. *The Chairman*.—Are there any other points in the existing law with regard to which you would suggest amendment?—I should wish to refer to the difference

between the law in Scotland and the law in England with regard to the sealed bottles. EDINBURGH.

1049. *Sheriff Crichton*.—Can you tell us the law in England with regard to that?—I can: I have it before me,—24 and 25 Vict. cap. 21. The second Section provides 'that any person only licensed as a dealer in spirits in England may take out an additional licence authorising him to sell by retail foreign or British spirits in any quantity not less than one reputed quart bottle.' Now, in the town of *Berwick-on-Tweed* there is only one grocer who has that privilege; and I know that the people in *Berwick-on-Tweed* can drink whisky as freely as they do in Scotland.

1050. *The Chairman*.—But still there is only one grocer who is licensed to sell by the single bottle?—Yes. I went there the day before yesterday in order to confirm my knowledge, and I find that is the fact.

1051. Is that because the magistrates would not grant more licences?—The magistrates do not grant the single bottle licence at all. It is only the Excise can give it; the magistrates have no power in England over the grocers who sell spirits.

1052. To what, then, do you attribute there being only one such licence there?—The grocers have never applied for it. The trade has got into the hands of publicans and innkeepers; and the grocers have not got into the way of applying for the licence.

1053. What deduction do you draw from that?—I draw the deduction that if the system works well in the town of *Berwick-on-Tweed* it should work well in a similar town in Scotland.

1054. But you are not aware that these grocers' licences have been more numerous applied for in other English towns?—No, I cannot speak to what has taken place in other English towns. I am only speaking to the town that I know something about, because I am there frequently.

1055. *Mr Campbell Swinton*.—Then respectable people when they want spirits for their families send to the publican for them?—Yes.

1056. *Mr Ferguson*.—Do you think a restriction to the quart bottle would be a good thing?—I think it would be a good thing in this way, that it would tend to put a restriction on drinking by the intemperate class to whom I have already referred. After a Monday morning such a person has spent all his money, and the grocer will be very loth to give him credit to the extent of 3s. at a time. In the account to which I have already referred, the last item is a bottle of whisky at 3s., and therefore I think they would not send to get a quart bottle from the grocer while they would not have money to send to the publican for drink. If they were to send to the grocer he could not of course give them less than a bottle, and I think that in that way the amount of drinking would be checked.

1057. The question has been put, and several answers have been given to it, whether it would not increase home drinking if persons were to take as large a quantity as a quart home with them at a time?—I think so, because the system would cut in two ways. The people to whom I am referring generally live on a common stair. If a man could not get less than a bottle of whisky at a time, and if he did not require that amount, he would get his neighbours to join with him. When the whisky was got, the neighbours would drink along with him, instead of one family drinking the whole of it by itself.

1058. Then you would prefer a quart to a pint?—Yes. I have heard it said that a sealed bottle of any description would be better than what is used at present, but I am afraid if people saw the working of such a system they would find that they were wrong; because there is in existence now, and has been for the last two or three years, a form of selling drink in flasks; and if the rule were adopted that only sealed bottles were to be sold, the dealers would adopt the system of selling in sealed flasks, which can be seen in any spirit dealer's window, and the flasks could be made to hold either one glass, two glasses, four glasses, six glasses, and so on. In that case all that would be necessary would be to

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send a child with an empty flask and get a full one, so that the system of selling by the sealed bottle, unless it was by the reputed quart, would do no good at all.

1059. *The Chairman*.—It has been suggested to me by an influential spirit-dealer that 2½ gills is the exact quantity that would meet public requirement: what do you think of that?—As I said before, if a check is to be given at all to this drinking by any introduction of the sealed bottle, the reputed quart is the least that should be allowed to be sold, in order to assimilate it to the English law.

1060. Are there small grocers in your county subsisting chiefly by the sale of spirits?—There are many: in fact most of the grocers will say plainly that without the spirit trade they would sustain great loss in their business, because the people come for their groceries where they can get their spirits, and over and over again in the applications to the magistrates that is put forward as a reason why they ask for a spirit licence.

1061. Do the magistrates ever give a grocer's licence where a publichouse licence has been asked for?—I don't remember an instance of that kind. There have been cases where an innkeeper's licence has been asked for, and where, as they had not sufficient accommodation, the magistrates or justices gave them a publican's licence.

1062. *Mr Campbell Swinton*.—I suppose—to revert for a moment to the question of the sealed bottle—that besides leading to less purchasing of whisky because the people could not afford it, the system of selling by the sealed bottle would put an end to drinking on the premises?—Quite so.

1063. A man would scarcely draw the cork of a sealed bottle while in the premises for the sake of drinking off his dram on the spot?—The grocer would always have his barrel on the counter, and the man could get his dram if he wanted it in the back-shop, because it is in the back-shop where the drinking goes on.

1064. But if the system of selling in open vessels was prohibited, and the grocers stuck to the rule of only selling in a sealed bottle, the customer would not draw the cork of the bottle to drink the liquor off there?—No.

1065. *The Chairman*.—I think you intended to say something about the different punishments for drunkenness on both sides of the border?—Yes. Under the last Publichouses Act a person 'found' drunk and incapable in a public place is liable to a penalty of 5s. in Scotland; under the Act 35 and 36 Vict. cap. 94 every person found drunk in a highway is liable to a penalty not exceeding 10s.; and by the English Summary Procedure Act, expenses can be awarded in every summary case. On a second conviction within a period of twelve months the party so found drunk is liable to a penalty not exceeding 20s., and on a third or subsequent conviction within such a period of twelve months, the penalty is not to exceed 40s. There is a further provision that every person who in any highway or other public place is drunk in charge of any carriage, horse, cattle, or steam-engine, or who is drunk while in possession of loaded fire-arms, may be apprehended, and shall be liable in a penalty not exceeding 40s., or, in the discretion of the court, to imprisonment, with or without hard labour, for a term not exceeding one month. We have nothing in Scotland like that. Here a man driving a cab or carriage and being drunk and incapable can only be fined 5s. without expenses.

1066. Do you think it would have a beneficial effect if the penalties in Scotland were brought up to what they are in England?—I do, for in Scotland generally that Act, except in burghs, is very seldom enforced. I have looked over criminal returns that I receive from the different chief constables, and I find that in many of the counties parties guilty of being drunk and incapable are never interfered with, because the 5s. penalty is not recoverable, except at considerable expense, and the person is generally such a very long distance away. The imprisonment is for 24 hours, and to take a man by railway from the place where he is apprehended to the prison costs perhaps 10s., so that it is not worth while being at the expense for all the length of imprisonment that can be inflicted.

1067. I suppose you have no means of attributing the cases of drunkenness occurring in your counties to the one class of shops or the other?—No.

1068. *Mr Campbell Swinton*.—With regard to the fine which you said could be imposed in England for being drunk and incapable, what means have they of enforcing that? Is there an alternative of imprisonment?—Under the Act 11 and 12 Vict. cap. 43, sec. 18, costs are allowed, and also imprisonment is fixed for all penalties. Instead of fixing the imprisonment in different English Acts, there is one general Summary Procedure Act, which fixes that if the fine is 90s. the imprisonment shall be so long, if 40s. it shall be so long, and so on.

1069. *The Chairman*.—I am requested to ask you whether a large proportion of the crime in Haddingtonshire is not committed by the miners, of whom there are none in Berwickshire?—In the parish of Tranent, last year, 185 people were convicted. I can go over all the mineral parishes, if you wish it. No doubt there is a large proportion of the convictions from the mineral parishes, but the burghs balance that.

1070. *Mr Campbell Swinton*.—Perhaps a more pertinent question with regard to the point aimed at would be: what proportion of the people convicted in either county were under the influence of drink at the time the crime was committed?—In the county of Berwick last year, of persons convicted of crimes against person and property, 51 were sober and 86 were intoxicated. In the county of Haddington in the same year, 192 were sober and 161 were intoxicated. That only includes convictions for criminal offences.

1071. *The Chairman*.—I am asked to put this question to you: Don't unlicensed grocers pile up the groceries in their shops in the same way that licensed grocers do?—Quite the same.

1072. That is the custom of the trade?—Yes. I don't know that it is done to conceal anything, but it is done.

1073. This question has also been suggested: Is it the case that a respectable woman in Berwick, desiring spirits, who will go or send to the publichouse, would have gone to a licensed grocer for them if there had been one?—Yes; but then you come back to this,—the encouragement to drink by the grocer giving credit, while the publican will not.

1074. This has also been suggested: In recommending the assimilation of the Scotch law to the English in the matter of the quart bottle, are you keeping in view that in Scotland the national beverage is spirits, while in England it is beer?—I am keeping this in view, that beer would be a very good thing for the people in Scotland, because in England while people get drunk, in Scotland they get mad drunk. That is the difference between the two.

1075. This has also been suggested: Would it not be a hardship to respectable poor people that they should be compelled to purchase a quart when they only require a little for moderate use or for medicinal purposes, and might it not lead to bad results?—That would be a hardship; but you are dealing chiefly with the intemperate, and certainly any further restriction would press upon the sober people who really want drink for a proper purpose.

1076. Can you say why the justices in East Lothian have increased the number of grocers' licences, while those in Berwickshire have decreased them,—those in Berwickshire being 47, while in Haddington they are 81?—They have not decreased them. That is just the state of the trade.

1077. Caused by the difference in the applications of the people?—Yes.

1078. *Mr Campbell Swinton*.—Can you tell us about these unlicensed grocers, of whom there are a much larger number than I was prepared to hear: do they drive an extensive trade?—Yes. The larger ones, those who have a more extensive business, labour under difficulties, I have no doubt. They do not get so much custom as the people who sell the drink, and they have not the profit of the drink.

1079. Is there any difference between the two as to the price that is charged by them for groceries?—No.

1080. Because it has been represented to us that the licensed grocers could undersell the licensed?—Well, I have observed that the unlicensed grocers manage to live. With regard to grocers I would draw attention to the 84th Section of the English Act 35 and 36 Vict. It applies to Ireland, and it is most important. It provides that 'if any spirit grocer himself takes or carries, or employs or suffers any other person to take or carry, any intoxicating liquor out or from the premises of such spirit grocer for the purpose of being sold on his account, or for his benefit or profit, or of being drunk or consumed in any other house or in any tent, shed, or other building of any kind whatever belonging to such spirit grocer, or hired or used or occupied by him, or on or in any place whether inclosed or not, and whether or not a public thoroughfare,' and so on. Under our Scotch Act, if a grocer allows drink to be carried out to any premises occupied by him to be consumed, he is liable to be prosecuted; but if he merely allows it to be carried out on to the street, which we have seen done over and over again, that can be done here with impunity. In Ireland it cannot, and an extension of that law to Scotland would be a very great good.

1081. *The Chairman*.—How is it that it cannot be done in Ireland?—Because the prohibition is there. They cannot give a man over the counter a glass of whisky, and let him go to the door and drink it. In Scotland that is done regularly.

1082. *Mr Campbell Swinton*.—What is the clause in the Irish Act which prevents that?—The clause which I have already read: 'If any spirit merchant himself, &c. It goes on to say that if he does that, it shall be considered to be consumed on the premises, and that would apply to the case if he allows it to be carried to the door; the 83d section of the Act also bears on these irregular sales.

1083. But according to the wide way in which you read it, it would read that a man cannot carry drink to his own house to be consumed?—No; I don't think that meaning could be taken out of it.

1084. *The Chairman*.—That is evidently directed at the blot in the Scotch law, that a glass of spirits which was drunk half on and half off the premises should be held to be drunk on the premises?—That is what I mean. It is not an uncommon thing in the country for carters passing a grocer's shop to go in and get a glass of spirits in a tumbler from the grocer, and then they go to the door and drink it; that is what I want to reach.

1085. I have just been informed that as regards the one grocer's licence in Berwick-on-Tweed, it was refused by the local authorities and granted by a higher court according to law, but contrary to the wishes of the local authorities, which may account for there being only one?—That is possible; but the magistrates there have no power of restriction. The single bottle licence under the English Act is granted by the Excise.

1086. *Sheriff Crichton*.—There is no such thing as granting a certificate in England, is there?—Yes, for publichouses, but not for grocers. There is the wholesale licence, but that is all; and then the Act goes on to say that a man having a wholesale licence, if he take out an additional licence, may sell a reputed quart bottle.

1087. *The Chairman*.—Has the grocer not to get a certificate from the magistrates at all?—Not for that.

1088. Then if this licence in Berwick was refused, it must have been refused by the Excise?—I suppose so. Some pressure would be brought to bear on the Excise not to grant it.

1089. *Sheriff Crichton*.—Have you any opinion about the dwelling-houses of the licensed grocer being connected with the shop?—No.

1090. We have been told that it would be beneficial to have the dwelling-house and the shop separate: what do you think of that?—I think it would press unduly in country places, but I have no positive opinion to express about it. I should wish to make some remarks about the laws of Scotland and England as to the punishment of people who cause licensed parties to offend. There is no provision in the Scotch law for the punishment of the party purchasing, except in the case of shebeens, or

persons representing themselves as bona fide travellers, but in England it is different. I remember one remarkable case that occurred at Coldstream, where two gentlemen's servants went into a house on a Sunday morning and got drink. The innkeeper, whenever he was detected, said at once to the policeman, 'I will plead guilty. Don't bring the witnesses, because the masters will know of it.' The man was convicted and fined some 30s. If that had occurred at Cornhill, on the other side of the Tweed, both the publican and the two men would have been brought up, and that would have checked them from breaking the law again. Indeed, that is a great blot in our Act of Parliament, because it is only directed to punish the seller of the drink, and not the person who causes the seller to offend.

1091. *Mr Campbell Swinton*.—Would you punish a man who buys in a grocer's shop, and who drinks on the premises?—I would.

1092. You would punish the man who goes into a grocer's shop and takes his dram there instead of going to the publichouse for it?—I would; and that would put a stop to a very great deal of what I observe from the newspapers has been said by previous witnesses about the law being broken over and over again.

1093. *The Chairman*.—I think I omitted to ask you whether you believe abuses to occur in sending liquor out in grocers' or in hawkers' carts?—They are not exactly abuses, but the trade has extended very much, and, as I mentioned before, this bottling system particularly has grown very much. The bottler or brewer and the smaller grocers send their vans round with drink, both spirits and ales; but I don't see what law could check them, because any person can go and give an order, and a poor man out in the country is just as much entitled to get his drink in that way as one in the town.

1094. *Mr Campbell Swinton*.—But of course if these bottlers or brewers sell to people who have not previously given an order, that is an evasion of the law?—It is.

1095. *Mr Ferguson*.—I have a letter here in which it is said as to that—'One of the grievous evils of the system is the sending out of vans for the sale of drink all over the country. These are spoken of by people who are conversant with the matter as just travelling publichouses. All the evils connected with grocers' licences in towns are thus spread over the country. The benefit of the abolition of publichouses is thus completely neutralised. There are parishes in Peebles-shire in which no publichouse exists into which grocers' vans from Edinburgh go regularly, and supply drink to the country people in the smallest quantity. The evil will be a somewhat difficult one to cure, but it should be thoroughly seen into. As regards the mode of carrying it on, and the effects it is producing, the common way of doing is to ask a woman if she wants a bottle of whisky. She says, "you may call next week and see." He accordingly puts it down in his order book. If it is wanted good and well, it can be sold as ordered goods; and if not it can be taken away again.' Is that the way in which it is done?—That is not uncommon; but I don't see how the difficulty can be met excepting by insisting that no goods shall be sent out of a grocer's unless the order is given at the shop, which would be rather a serious matter.

1096. *Mr Campbell Swinton*.—I suppose you have known cases where vans of that kind have stopped in front of a field of 'shearers' or labourers, who could have had no opportunity of giving orders, but where drink was then and there sold to them?—Yes, and there we have got convictions.

1097. Do you think the power of the police to enter grocers' premises ought to be extended?—I think they should have the power to go in during the time the shops are open, as they have in the case of publichouses, if they have reason to suspect that abuses exist.

1098. You think that that clause in the Act referring to reasonable cause to suspect an evasion of the law should be made the same in the case of grocers as in publichouses?—Yes.

1099. And you would make the hours of opening in the morning the same as with publichouses?—I said

Continued.
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George
Henry List.

EDINBURGH. before that I would make the hours from 8 in the morning till 8 at night, and on Saturday till 10 or 11.
George Henry List. 1100. *Sheriff Crichton*.—And you would not allow

them to open at other hours for the sale of other commodities?—I would not.
Adjourned.

EDINBURGH, MONDAY, 8TH OCTOBER 1877.

Present :—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSON.

SIR JAMES FERGUSSON IN THE CHAIR.

Alexander
Picken;
George
Paterson.

18. Mr ALEXANDER PICKEN; } examined.
19. Mr GEORGE PATERSON; }

1101. *The Chairman*.—You are two of the gentlemen whose names are appended to the memorial presented by Mr Turner?—*Mr Picken*.—Yes; and I handed to Mr Turner a written report of all I had to say in support of the memorial.

1102. Was it you who gave Mr Turner the information about a particular grocer who lives opposite your own house?—He does not live opposite my house now. I stated that I knew a grocer in Edinburgh whom I had seen guilty of what I stated in my paper. It is a number of years since that took place.

1103. *Sheriff Crichton*.—At the time it took place was he living opposite you?—I was living opposite him.

1104. *The Chairman*.—How many years ago is it since you observed it?—I cannot give the date, but it is since the Forbes Mackenzie Act passed.

1105. Can you not tell whether it was before or after the year 1860?—I think it was about that time.

1106. What was it that you then saw?—I saw that this man was in the habit of opening his premises a little after 6 o'clock in the morning, and that a number of men from various factories and workshops in the vicinity of his premises used to come to the shop and get drink in little bottles or jugs, and I have seen them actually swallowing the contents of these vessels within at least the threshold of his premises.

1107. Have you seen anything of a similar kind within the last year?—No, I have not.

1108. Nothing at all?—No. My wife tells me she has seen it in going into grocers' shops.

1109. *Sheriff Crichton*.—Can you give us an idea of the number of persons you saw going about that shop?—A great number of working men used to come there. I have no objection to say where it was. It was in the Canongate at the head of New Street. It had long been a licensed shop, and always held a very respectable position among grocers shops in that locality. The men who went to it were from the gas-work, from Ballantyne's printing work, from Finlay's cabinet-work, and all round. I have seen a large number of men going to it. I cannot say whether I could count them by the score or dozen, but there were a number of men every morning.

1110. *The Chairman*.—Could you verify by personal observation, or information that has reached you, any such practices within the last five years?—No, I could not speak to any special cases that have come under my own notice.

1111. *Mr Campbell Swinton*.—Have you had opportunities of witnessing them within the last five years, if they had existed?—I have not been much about grocers' shops.

1112. *The Chairman*.—Mr Paterson, can you give us any positive information as to such practices lately?—*Mr Paterson*.—I lived just opposite two licensed grocers' shops; my windows looked right into their doors.

1113. *Mr Campbell Swinton*.—Do you live there now?—I removed last Whitsunday

1114. Then it is previous to Whitsunday that you are going to speak to?—Yes; and in one of these shops there were I would say regularly three or four master tradesmen who came every morning. I was one flat up, and these grocers' shops were one at each corner of the street, right opposite me; and I could see them walk right in and round the counter. One went in first, and then he came out and stood on the watch while the others went in. I cannot say that I saw them taking the drink, but it was evident that that was their purpose in going there.

1115. *The Chairman*.—At what hour in the morning did this take place?—Just at 8 o'clock, at the time the shop was opening.

1116. *Mr Campbell Swinton*.—That shop did not open sooner than the publichouses?—No. In regard to the other shop, it was a lower class that frequented it,—such as carters and railway-men; and on one occasion I sent in my daughter just for the purpose of seeing what a carter got. He asked for a penny worth of cheese, and walked round behind a butter-case that stood at the end of the counter, and the grocer set down to him a glass of whisky. I was in the coal-trade myself, and had men in my employment who frequented the shop; and at an early hour in the morning I have watched them, as I wondered where they got the whisky.

1117. *The Chairman*.—About what time in the morning?—Between 7 and 8 o'clock. I have watched them, and they went in free from drink, and came out smelling of drink. I did not see them drinking.

1118. They went into this licensed house about 7 in the morning?—Yes.

1119. And you supposed they could go there for nothing else at that time in the morning?—They got drink there. That is a thing I am quite sure of.

1120. Did any of them admit that to you?—I threatened that I would expose them if they continued, and they did not deny it.

1121. How long is this since?—It is within the last three years.

1122. *Mr Campbell Swinton*.—Was it on their way to their work that they did this?—No, they left their work at the Caledonian station to come there.

1123. *The Chairman*.—Would you tell us the particular position of the two houses you mention?—One was at each corner of Upper Grove Place.

1124. *Sheriff Crichton*.—Did you think that asking for the pennyworth of cheese was a mere pretext?—Yes, I have no doubt it was a pretence; and the evil was very great, because I am quite sure that these carters were not in possession of money, and they got credit there. It was a regular thing; once or twice a day they stopped their horses and went in there, and that was their first road on the Saturday when they got their wages.

1125. *The Chairman*.—Can you mention any other cases that have come under your notice?—I had occasion to be very often in licensed grocers' shops in the Cowgate district, the Grassmarket, and West Port, and I have seen drinking on the premises again and again,

EDINBURGH.
—*der*
Alexander
Picken;
George
Paterson.

with little pretence of concealment. I believe at that time they had no suspicion that I was making any observations, but they came in and got their drink at the counter.

1126. Which time are you now speaking of?—When I was in the coal trade.

1127. How long were you in the coal trade?—For ten years.

1128. When did you cease to be in it?—About fifteen months ago.

1129. And at the present time what is your business?—I am a city missionary.

1130. Fully employed in that?—Yes.

1131. *Mr Campbell Swinton*.—Did the practice you have spoken of go on as long as you were in the coal trade?—Yes.

1132. *Sheriff Crichton*.—Could the police have seen what was going on in these grocers' shops?—Perfectly, if they had been in them.

1133. You said it went on apparently without any concealment?—From such as myself, who were inside the shop. Of course there was a dark side of the shop, and they went over to the other side if they wanted that. These are among the lower class of licensed grocers.

1134. *The Chairman*.—Does it come under your observation as a missionary that the people you work among are in the habit of getting drink frequently from licensed grocers?—No, I could not say that. *Mr Picken*.—That came under my observation very much when I was missionary in Greenside.

1135. When was that?—About the year 1872.

1136. In what way did you observe this?—There was a large grocer's shop in Greenside,—perhaps one of the largest, and paying one of the highest rentals in that district. The gentleman who owned the shop left the management of his business entirely to a man with whom I was very well acquainted, and being missionary in the district I often went in to have a chat with him; and whilst I have been standing there I have seen hundreds of my Greenside people slipping in there with a basket, or sending their children with a basket, and getting a little drop in a bottle, and carrying it away; and I have the impression strong on my mind that a great number of these persons would not have sent for the drink at all unless they had had the cover of this respectable grocer's shop to send to for it.

1137. In this case it appeared to you that they were getting the drink in bottles and taking it away?—Yes.

1138. *Mr Campbell Swinton*.—And not drinking it on the premises?—I saw no drinking on the premises in that case.

1139. *Mr Ferguson*.—Have either of you in the course of your experience as missionaries seen much of this in other parts of the town besides those you have specified, or is your observation confined to that special district?—Mine is confined to that special district of Greenside.

1140. Where is your district, *Mr Paterson*?—*Mr Paterson*.—All over the Old Town.

1141. Then do your remarks apply generally over the Old Town?—Yes, it was generally all over the Old Town, and I could mention a very special case, which occurred about five years ago. A relative of mine came to Edinburgh, and had a licensed shop at the corner of Carnegie Street and the Pleasance, and I called on him one night and found three respectable men sitting drinking in his back shop. On mentioning the matter to him, he said it was a common practice, and that he was just supplying them with drink. I saw that with my own eyes. I was in the place.

1142. *Sheriff Crichton*.—Have you any suggestion to make?—*Mr Picken*.—I would not venture to make any suggestion, but I may state that I have been for five years missionary to the Edinburgh Police force, and I should like to take this opportunity of saying that a great deal of insinuation has been thrown out with reference to policemen, to the effect that publicans and grocers are in the habit of treating them. I have no interest in anything but the welfare of these men, and I don't charge myself with making any official

report, or taking any official cognizance of their doings, but I can say that not an inspector connected with the force, not even *Mr Linton* himself, has better opportunities of knowing the habits and customs of these men officially and privately than I have. I visit them at all hours of the day, and I have seen them under all conceivable circumstances, and I must say very strongly that it is a libel on our policemen to say that they are in the habit of taking glasses of whisky from grocers or publicans. I should like to say, as the result of my own observation, that they do not as a rule indulge in any such thing; and I must say for *Mr Linton's* credit that there is no dereliction of police duty which he punishes with more severity than any of his men taking drink. I say that with very great emphasis.

1143. *The Chairman*.—*Mr Paterson*, have you anything to suggest?—*Mr Paterson*.—I have observed the two houses in Upper Grove Place for years, and my impression is that in the one case it affords an opportunity for persons to go and get drink who would not care to be seen in a publichouse, and thus form habits of drinking; in the other case it affords opportunities to persons who are not in the possession of money to get drink on credit, and that has often led to very serious accidents to those in charge of horses, which might not have happened if they had not had an opportunity of getting the drink without the money.

20. Mr JAMES DUNCAN BATHGATE, examined.

1144. *The Chairman*.—You are procurator-fiscal for *James Duncan Bathgate*, the county of Peebles?—I am.

1145. Are you personally acquainted with the number of licences granted in the county?—Yes.

1146. Can you tell us the number?—Including the burgh, there are 12 hotels, 2 publichouses, and 29 grocers licensed to sell drink.

1147. Is that in the whole county?—Yes, including the burgh.

1148. What is the population?—The population of the burgh is 2192.

1149. And of the county?—12,330.

1150. Is that of the county including the burgh?—Yes. The population of the burgh does not show the population of the suburbs; it refers to the royal burgh over which the magistrates have jurisdiction.

1151. The licensing in the burgh and in the county is under different authorities?—Yes.

1152. What is the number of licences granted in the town of Peebles?—There are 5 hotels, 1 publichouse, and 19 grocers licensed by the magistrates of the royal burgh.

1153. What has been the number licensed in previous years?—It has been pretty much the same for many years past,—I may say since the date of the Forbes Mackenzie Act.

1154. Is the population about the same?—Pretty much the same,—a couple of hundred more in the burgh, and 1600 more in the county.

1155. Do the magistrates endeavour to keep down the number of licensed houses?—That has been the tendency recently. They have withdrawn licences recently, not from grocers but from publichouses.

1156. In granting licences do they attach any particular conditions?—They have endeavoured recently to put a stop to back doors in grocers' premises, but that is a very difficult thing to do. Almost all our grocers have their houses in close proximity to their shops, with internal communications.

1157. Do they object to license very small houses?—There have been no applications for very small houses.

1158. What is the smallest class of house licensed in Peebles,—about what value?—About £7 or £8, I should fancy.

1159. Is that enough in Peebles to secure a house of respectable size for a grocer's shop?—Yes. We look more to the character and respectability of the applicants.

1160. In the county has the number of licensed

James Duncan Bathgate. houses, increased or diminished?—It has rather diminished, if anything. In the county there have been two hotels given up recently.

1161. What is the existing number of licences in the county?—3 hotels, 1 public-house, and 16 grocers.

1162. Then, in fact, the number is moderate?—Very moderate, I think.

1163. Have there been many convictions?—Very few.

1164. Have there been any of grocers?—There have been one or two, but I find it is difficult to obtain convictions.

1165. Have you any reason to believe that there is evasion of the law by grocers in respect of their giving drink to be consumed on the premises?—From information that has been conveyed to me privately, I have no doubt that there is, and I have spoken to the police on the subject, but they don't feel able to cope with it. It is exceedingly difficult to get convictions in these cases, and reports have been sent to me which I have not thought proper to bring before the magistrates, in consequence of having formed the opinion that the evidence was not sufficient to warrant a conviction.

1166. What do these difficulties arise from?—The want of evidence. You cannot get evidence, in general.

1167. Is there a greater difficulty in getting evidence in respect to grocers than in respect to publicans?—I don't think there is. People don't like giving evidence against their neighbours, I suppose.

1168. It has been stated that one difficulty in the way of convicting grocers of irregular sales arises from the fact that the police have no power to enter their premises except in case of suspicion, whereas they can enter the publican's premises at any time?—I don't know any grocer in our county that would object to the police coming in at any time; but I have been told that a regular watch has been kept upon the police. Of course the police are few in number, and I have been told that a watch has been kept on them in order to see whether they were coming with a view to detection.

1169. What class of offences have you had reported to you, which you have not prosecuted?—Against grocers on the suspicion of their having sold drink to be consumed on the premises; but the evidence was not sufficient, I considered, to obtain a conviction.

1170. But they were as to giving drink on the premises?—Giving drink over the counter or drink on the premises.

1171. *Sheriff Crichton.*—Or at irregular hours?—At irregular hours also; but there were really very few.

1172. *The Chairman.*—Have the changes for drinking, or connected with drinking, been more or less prevalent of late years?—I think they have been more prevalent of late years.

1173. Can you verify that by figures?—I understood that you had got a return from the chief constable as to that, but he will be very happy to make up a table and put it in.

1174. Have you any suggestion to make as regards the law affecting licensed grocers, which would make it more satisfactory?—It has just occurred to me that if the Commissioners would make some inquiry into the cause of the large profit that seems to be made on the sale of drink, it might have a beneficial tendency. There are numbers of our grocers who, I have no doubt, if they did not get their premises certified and obtain the Excise licence for the sale of drink, would not carry on business.

1175. You think their grocery business is subordinate to their spiritselling?—With certain classes of them, not others.

1176. Do your justices ever give a grocer's licence where a publican's licence has been applied for?—I don't think I have had an instance of that. Of course we have not very much practice in our small county.

1177. *Mr Campbell Swinton.*—When you say that taking away the licences from the grocers would largely diminish their number, would there still remain in your opinion a sufficient number of grocers to supply the wants of the community?—I did not say largely diminish the number.

1178. But would there still remain a sufficient number

of grocers to supply the wants of the community?—Yes, but the trade would just be put into fewer hands.

1179. Still there would be a sufficient number of grocers to supply the wants of the public?—Yes, and that would not greatly increase the facilities for the supply of drink. I don't think it would tend to lessen drunkenness.

1180. *Sheriff Crichton.*—Would it tend to a better class of people taking the shops?—I think so. Certainly we have fewer suspicions or complaints against our largest grocers than against the small ones.

1181. *Mr Campbell Swinton.*—Then would you be in favour of taking away the licence from grocers altogether?—No, I don't think so, so far as my opinion is of any value.

1182. *Sheriff Crichton.*—Have you formed any opinion with regard to the dwelling-houses and the shops of grocers being disconnected,—no communication between?—I think it would be very advisable to have no communication whatever between the grocer's shop and his dwelling-house.

1183. Have you any opinion as to whether any minimum rent should be fixed entitling a grocer to a licence?—I am not in favour of that. I think you get as respectable a man or woman in a small house as in a big one.

1184. *Mr Ferguson.*—Are the grocers in Peebles and the villages in the county in the habit of sending out spirits in vans throughout the country?—Some of them are,—all to order. It is understood that everything is ordered that goes out. Whether it is so or not we have no means of knowing; but it is understood that all the drink that goes out has been ordered by the customers at the shops.

1185. We have heard that sometimes these vans will stop on the road opposite a harvest party, and allow them to come and purchase drink. Have you had any experience of that?—I have had no complaint of that kind. I don't think any of our grocers would engage in that kind of trade. Possibly people coming from a distance—bottlers—might do it.

1186. Are there many such persons coming from a distance?—Yes, there are a good few,—people who call themselves bottlers, bringing ale and porter from a distance. We have had reason to suspect some of them.

1187. In the case of these bottlers who send round beer and other things in large quantities, do they require to have orders beforehand also, or may they go to a house and sell a dozen of beer without its having been previously ordered?—It is understood that it is all ordered for delivery from country grocers.

1188. To private houses?—Yea.

1189. *The Chairman.*—Have there been any charges made against the police in your county of their having been treated by licensed dealers?—Certainly not. I think all our policemen are above that sort of thing. I should not fancy them guilty of any such practices.

1190. *Sheriff Crichton.*—It has been suggested that the grocers should sell the whisky in sealed bottles. Has your attention been directed to that?—Not particularly. I don't think that would do any good.

1191. *Mr McLagan.*—Would you separate the sale of spirits from that of wine and beer, by prohibiting grocers from selling spirits?—I don't see that that would do any good. I wish to say that I came here at the request of the Commissioners, and that I did not volunteer to give evidence.

21. Mr JAMES FLEMING BREMNER, examined.

1192. *The Chairman.*—You are chief constable of the county of Fife?—I am.

1193. Can you tell us the number of licences held in that county?—I can; for the five years since 1872, and for 1862; it is hardly worth while to give the numbers for the intermediate years, as they were very

similar. I should first explain that the whole county of Fife, including all the burghs except Dunfermline, is under my command as chief of the police. We have 16 royal burghs in the county, in all of which there are magistrates exercising jurisdiction; but the burgh of Dunfermline is under a separate police. Five of these are amalgamated burghs which have united with the county for police purposes, and I can give the statistics for all the county except the burgh of Dunfermline. In 1862 there were 759 licences of all kinds, 338 being grocers, and 171 of these in burghs.

1194. 171 of the grocers?—Yes. Then in 1872 the total number of houses had fallen to 698, and of these 309 were grocers. In 1873 there were 698 houses of all kinds, 315 of which were grocers; in 1874 there were 704 houses of all kinds, 322 being grocers; in 1875 there were 720 houses, 323 being grocers; and in 1876 there were 717 houses of all kinds, 323 of these being grocers. This year the return is, I think, almost the same, though I cannot exactly make it up till the end of the year.

1195. Have you a note of how the population has increased?—The population has increased since the second last census by about 6000.

1196. *Sheriff Crichton*.—Is that excluding Dunfermline?—Excluding Dunfermline.

1197. *The Chairman*.—What was it in 1862?—In 1862 the population was about 140,000 in round numbers, and in 1871 it was 146,000. That is exclusive of the burgh of Dunfermline.

1198. Can you tell us what has been the number of convictions for drunkenness or charges connected with drunkenness?—I have been for about 15 years head of the police in Fife, and prior to 1862 the returns were made up in a slightly different manner. In that year there were 178 convictions for breaches of the peace. That embraces almost all the charges, excepting assault, connected with drunkenness. In 1872 the convictions for breach of the peace were 530; in 1873, 707; 1874, 744; 1875, 750; 1876, 788; and I can give in addition, beginning with 1872, the number of persons not brought before any constituted court but dealt with by the police taking them before the magistrates or justices in various parts of the county. I refer to the class of drunk and incapable. In 1872 the number was 253.

1199. *Sheriff Crichton*.—Is that in addition to the number you have given?—Yes.

1200. What class of cases are these?—Drunk and incapable,—persons dismissed by the magistrates in the morning with a reprimand.

1201. *Mr Campbell Swinton*.—But they are fined five shillings?—Not when they are not brought before the magistrates. It is common in Fifeshire that persons are apprehended at night and locked up in consequence of being found drunk and incapable, but when the magistrate comes down in the morning he often orders them to be liberated with a reprimand, and they are not brought before any constituted court.

1202. But are they not brought before the magistrate?—Our regulations are that all prisoners locked up in the strong rooms must be taken before a magistrate before being liberated. They may have a complaint to make against the police. That is a regulation sanctioned by authority of the sheriff of the county.

1203. *The Chairman*.—There is such a thing as not pressing for a penalty?—That is all I mean. Many of these are persons that if you sent them to court and had them convicted, you would fill the jails with them. It is far better that they should go about their business. In 1872 the number was 253; in 1873, 274; in 1874, 273; in 1875, 271; in 1876, 287. The total convictions for crimes of every kind in the county in 1872 were 1056, and in 1876, 1421. These were the total convictions of all kinds, whether tried in the High Court or in the humblest Police Court in the county. I may also mention here that during the past eight or ten years, and taking last year as nearly the average, the percentage of those persons more or less under the influence of drink when the crime was committed for which they were tried and convicted was 60 per cent.

1204. How do you explain the immense increase between 1862 and 1872? Is it a different way of stating the figures?—No. There have been more policemen put on for one thing, and I daresay that may help partly to account for it. The magistrates of burghs may have been more vigilant in dealing with cases, and there have been more cases of a petty kind. There were only 530 cases of breach of the peace in 1872, while the number was 788 five years later.

1205. I daresay you have formed a theory as to the cause of the large increase of offences of the particular class to which you were referring, as well as of the crimes of all kinds?—I have a very strong opinion as to how the most of these crimes that come under the subject we are now discussing arise, and that is from too much drink.

1206. The offence of being drunk and incapable must arise from having too much drink?—But I mean the others.

1207. You mean that all this crime arises more or less from excessive drinking?—I have given the facts that come under our notice from statistics kept from year to year, and it appears that 60 per cent were at the time the offence was committed more or less under the influence of drink.

1208. Has the action of the justices been tolerably uniform over the county in the granting of licences?—About six years ago the licensing question engaged the attention of the justices in Quarter Sessions. They were considerably exercised about it, and they met and drew up rules and regulations as to the granting certificates, which I may briefly notice. Of course applicants have to conform to the terms of the Acts of Parliament in their applications, but this was the most important recommendation which they came to: 'That with the view of diminishing the number and improving the character of houses for the sale of excisable liquors, and of securing a better apportionment thereof in the different districts of the county, committees be appointed, consisting of the sheriff and sheriff-substitutes, and of justices of the peace selected from the different landward districts of the county, for the purpose of ascertaining and fixing the maximum number of houses to be licensed in the landward part of each parish; and that the number so fixed shall be reviewed every three years by committees similarly appointed; and that the different licensing justices be recommended to grant no "new application" for a certificate in that parish, except in very special circumstances, until the number of licensed houses shall be reduced below the number so fixed; and also to refuse the renewal of a certificate to any individual who shall be convicted for a second time of any offence under the statutes; also, not to alter grocers' certificates to publichouses, without careful consideration of the change being necessary, and that the premises are suitable.' The next recommendation was that no new certificate should be granted to any female except in very special cases. I hand in these rules and regulations. I should state that in 1871 the committee met, and we went over the various districts of the county, and they considered each district *separately*, and apportioned the number of houses that it was in their opinion desirable to have at that time. The total number that they proposed to have for the landward part was 328, and the existing houses then were 381 in number. (See App. D, p. 501.)

1209. These were publichouses?—Houses of all kinds,—hotels, publichouses, grocers, porter and ale; and the aim of the justices has been since then, taking into account the necessary requirements of the districts, to reduce the number as far as possible.

1210. The rules of which you have now put in a copy describe the system adopted by your justices for the limitation of the numbers, and other local regulations?—Yes, that was the Quarter Sessions' recommendation, and they recommended the various district Licensing Courts to adhere to these as far as consistent with what was in their opinion the requirements of the district. There are four districts in Fifeshire, in each

James Fleming Drummond

EDINBURGH. of which Licensing Courts are held on the statutory days in April and October.

James
Fleming
Brenner.

1211. But this system does not appear to have succeeded in reducing the numbers?—It has not reduced them to the maximum number proposed. It has not been brought down to that yet.

1212. Then they grant or refuse a licence according to the suitability of the premises and the applicant, according to that ideal number?—It is very difficult to take away licences from houses already licensed and in the hands of respectable persons. They must wait their time. But I must say the justices in Fifeshire, whenever a certificate lapses by death or otherwise, carefully consider whether they will renew it, if the number is in excess of what in their opinion is desirable.

1213. *Mr Ferguson*.—What is the maximum number they fixed?—328.

1214. For each district?—For the whole landward part of the county under the justices' jurisdiction.

1215. *The Chairman*.—What would the total number, including the number under your own charge, have been?—The justices don't grant licences where there are police magistrates having power under the Act.

1216. Then the magistrates of the burghs have not made a similar report?—No; they limit their licences on the same principle, I suppose; but as a whole they don't unite for the purpose, as the justices in the county do.

1217. Have there been numerous convictions obtained for breach of certificate?—In 1872 there were 10 convictions obtained against grocers for breaches of certificate, 5 of these being in burghs; in 1873 there were 11, 6 being in burghs; in 1874 there were 4, 2 of these being in burghs; in 1875 there were 5, 2 of these being in burghs; and in 1876 there were 7, 5 of these being in burghs; and there are 2 up to the present time this year, but I cannot give this year exactly because there may be one or two in burghs which we have not yet got.

1218. Such being the number of convictions, have there been many reports to you by your officers of cases of suspicion?—More than suspicion. There have been a good many cases reported which have not been dealt with.

1219. It is your belief from the reports that reach you that cases of evasion are numerous?—I have not the least doubt that they are.

1220. What are the chief points in which the law is evaded?—The police have not power to enter a licensed grocer's premises the same way that we have those of the publican, because the Act prescribes that the police shall only enter grocers' premises when they have reason to suspect a breach of certificate being committed. That is one difficulty. Then as to the kind of breach,—I mean persons going in and getting a glass of sherry or spirits or other excisable liquors on a grocer's premises,—the same class of people would not perhaps care to be seen going into a publichouse for it.

1221. Do you suspect breaches of the Act in the way of drinking at wrong hours—before 8 o'clock in the morning, for instance?—No, I don't think there is so much of that as drinking on the premises.

1222. You don't hear of working men getting a glass on their way to work in the morning?—My experience in Fifeshire is that they go to the publichouse rather for that, or try to get it, at all events.

1223. *Mr Campbell Swinton*.—In point of fact do the grocers open their shops—I don't mean for the sale of liquor—earlier than the publichouses?—No; no licensed grocer can open before 8 o'clock in the morning.

1224. He can for the sale of tea and sugar?—I am very doubtful if he can do so without rendering himself liable to be tried for breach of certificate.

1225. He cannot sell liquor, but he may sell tea and sugar?—But in answer to the question of the honourable chairman, I am not aware that they do open their premises. They don't, in fact, avail themselves of the hours during which they might open them. In the evening they shut at 8 o'clock, and sometimes a little

earlier; so that they don't avail themselves of the statutory privilege.

1226. Then they would not perhaps consider it a hardship if it were made a statutory rule that they should not open before 8 o'clock in the morning, and that they should shut at 8 at night?—That I must respectfully decline answering. I don't know the general mind of the trade in Fifeshire. They had better answer that themselves; but in point of fact, as a general rule they are closed three hours earlier than the publicans.

1227. *The Chairman*.—Probably on Saturday nights they are open later?—Probably a little later.

1228. *Mr Campbell Swinton*.—Were the convictions in burghs frequently followed by a refusal to renew the certificate?—That I can hardly answer. I have known cases of the kind, but as a rule I would not like to say that they were. In fact in burghs there are influences often at work in favour of the party either suspected or accused.

1229. Do the justices refuse to renew the certificate when there is a single conviction?—Not for a single conviction unless it has been a bad one; but if a second is obtained within the three years, then the party holding the certificate runs a risk of losing it.

1230. *Sheriff Crichton*.—You said there were cases reported which are not dealt with. What are these?—I wish to say, without reflecting on any of the authorities in Fifeshire, that we have reported cases of contravention not by grocers' alone, but of the Acts affecting the sale of intoxicating drink, which have not been dealt with.

1231. Why have they not been dealt with?—I don't know that I can well answer that. I told you that there were influences often at work which tend to screen these parties.

1232. *Mr Campbell Swinton*.—You are not the fiscal?—I am the fiscal for the justices in Fifeshire.

1233. *The Chairman*.—Then you can prosecute when you like?—And so I do, in the county.

1234. *Mr Campbell Swinton*.—Then the cases that are not prosecuted are in burghs?—Those I referred to are in burghs, but I mention no particular burgh. I speak generally.

1235. Was it your impression that in these cases there was sufficient evidence to convict?—It is my impression that in several of them there was.

1236. And that the refusal of the fiscal to prosecute did not arise from not having sufficient evidence?—I don't say the fiscal refused. I say these cases were not taken up and dealt with.

1237. *The Chairman*.—They were cases which if they had occurred in the county, you would have prosecuted?—Yes. What I say is that they were reported by the police, and not dealt with.

1238. *Mr Campbell Swinton*.—And you think there was sufficient evidence to convict, if they had been prosecuted?—In some of them. That is my opinion. Of course it is only my opinion.

1239. *The Chairman*.—I asked you to what you attributed the great increase of crime, and you said it was to drink. Do you attribute the great increase of drinking in the county of Fife to the people having higher wages, or to what cause?—I think they drink at all times, but they drink a great deal more when they are fully employed. Fifeshire is made up of a great many different interests—mining, agriculture, and manufactures of all kinds; and during a period of depression, such as the mining interest has been under for some time, I think less drinking has been going on. But now that work is pretty full again, it would not surprise me to see it on the increase once more. But it is very difficult to give reliable facts as to the causes of the fluctuations which occur from year to year in the criminal returns in that way; because the percentage of the people who have been under the influence of drink when the crime was committed has been for some years within 1 per cent. of each other.

1240. I understood from your replies to our circular questions that you don't think the operation of the grocer's licence is more injurious than the publican's

licence in the way of increasing drinking?—I do not.

1241. Do you think that it tends more to public order that the drink is taken home than consumed on the premises?—I am very doubtful of that. A great many people go to the publichouse and take drink home with them in bottles, the same as they do to the grocer's.

1242. But do you think there is less public drunkenness if the drink be taken home and consumed at home than if it be consumed in the publichouse?—I think much of the drunkenness that arises no doubt apparently comes from the publichouse, but there is a general impression, whether rightly founded or not, that the drink got in the grocer's is of better quality than that got in publichouses; and I would attribute much of it to the quality of the drink taken rather than to the quantity, though quantity is of course a very important element to be taken into consideration.

1243. It appeared by the evidence taken for the report of the Commission of 1860, that the shutting up of the publichouses on Sunday and earlier on Saturday evenings had immensely decreased the cases of drunkenness on Sunday. But I understand that along with that there has been a good deal of drinking at home on Sunday, the liquor having been purchased on the Saturday evening. It is in that sense that I want to ask whether in your opinion public drunkenness is diminished by the use of spirits at home rather than by its consumption in the publichouse?—That is a somewhat difficult question to answer. If people get whisky and take it home, I should think the effect will be much the same as if they drunk it in the publichouse. It is very common for parties who sit in the publichouse at night, especially if they don't live in the burgh where the publichouse is, to take a supply home with them for Sunday. That is very common.

1244. Can you say whether the sale of spirits in open vessels is very commonly followed by licensed grocers in your county?—I believe that is almost entirely unknown, if you mean by open vessels, vessels other than small bottles.

1245. *Mr Campbell Swinton*.—The working-classes don't send tea-cups to be filled?—I don't think it. Since this Commission has been sitting, I have caused some inquiry to be made into that, and I don't think that is a common practice in Fifeshire. It might happen in big towns.

1246. What is the size of the bottles?—I have no doubt that the grocers in Fifeshire sell half-a-gill in the small bottles, and from that to three gills it may be.

1247. *Mr Ferguson*.—When you mentioned that there were a great many offences by people drinking on the premises, do you know if they go in and ask for it in that shape and take it there, or if they get it in bottles and drink it on the sly?—They take it out of a bottle or a glass or a tumbler, just as in a publichouse.

1248. *Sheriff Crichton*.—And is that practice confined to the working classes?—I don't think so.

1249. *The Chairman*.—I am asked to put one or two questions to you. I suppose a large number of those persons accused or convicted of drunkenness are habitual offenders?—Yes, we have a few that come up very frequently in the course of the year.

1250. So that that would swell the number very much if they were taken per head?—I rather think the returns refer to different persons altogether,—I mean the 253.

1251. Not to cases?—Not to persons coming up five or six times.

1252. These are the people who are not punished?—People that are in the habit of offending frequently will be brought before a constituted court.

1253. But the larger numbers from 530 to 788 might be frequently convicted?—Some might be 10 or 20 times convicted, or even oftener.

1254. Have you noticed a difference one way or the other in the drunkenness of the mining districts according to whether their wages have been higher or lower?—I think it undoubtedly is affected by a period of comparative poverty. They don't drink so much then.

1255. Are the mining districts more or less troublesome in that way than the rest of the county?—Do you mean as to drinking?

1256. Yes?—I don't think so. Miners have been for several years back behaving very well indeed, as a class.

1257. Have there been many complaints or charges made to you of policeman having been tempted by the publicans or grocers?—I have heard so, but I have never found out one such case. But when policemen join the force which I have the honour to command, they are well warned against accepting drink in the way of a gift, either from publicans or grocers, because it would utterly unfit them from ever reporting those men again.

1258. You have no reason to think it is commonly done?—I don't believe it is. I think if it were done I would very soon find it out through the public. The public very soon let me know anonymously or otherwise what is going on about the policemen, if they have done anything out of joint.

1259. Have you any decided opinion to offer as to any improvement on the existing law?—I have stated already that the police have not the same facility for detecting offences in the case of licensed grocers as they have in the case of publicans.

1260. *Sheriff Crichton*.—Do you think they should be put in the same position?—I think they should.

1261. You think there should be the same facilities given to the police to enter a grocer's premises as a publichouse?—I think so. But many of the grocers to whom I have spoken in Fifeshire, though not recently, think they are overweighted as against the publicans. A publican may sell as much as he likes off his premises as well as on, and I have been told by several of the master grocers that where evasions are allowed, that is very often done out of a feeling of trying to equalise the weight that is put on them in that way.

1262. *The Chairman*.—Do you think there are many licensed grocers in your county who would not think it worth while to keep groceries if they had no spirits to sell?—Yes, I do. I have been told so by many master grocers in the county.

1263. Do your justices ever give grocers' licences after refusing publichouse licences?—I have seen it done, but not as a principle.

1264. You have known a man ask for a publichouse licence and the justices say: 'We will not give you that, but we will give you a grocer's licence'?—I have known that.

1265. Then the man would open his grocer's shop simply as a kind of spirit shop?—He would sell groceries as well.

1266. Then you cannot recal any particular instance where the shop has been opened entirely for the sale of spirits?—I cannot recal any instance in which they have sold spirits only. They combine with that the sale of groceries.

1267. Have you had any cases reported to you of liquors being sent out in grocers' or hawkers' carts on speculation?—The only case of that kind that has occurred in my experience in the last fifteen years was in 1869, where a grocer was found, not by a policeman, but he was taken into custody by the policeman at the request of the Excise officer who found him; he was brought before a justice, and convicted on his own confession of selling a pint of spirits, and fined £25. That was under the Excise law. But hawking by brewers' beer carts is very common, and there have been frequent convictions for that. I can give you returns of that.

1268. *Mr Campbell Swinton*.—You have told us that the grocers in Fifeshire sell in very small quantities. Why does any one prefer going to them to going to the publichouse?—There is a general impression that they get a better quality of whisky at the grocers' than at the publichouse as a rule.

1269. Is there not something in the idea that some go to the grocer's shop who would not like to be seen going to a publichouse?—There may, but if they are going for the same purpose, viz, whisky, I don't see

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EDINBURGH. why it should be reckoned wrong to go to a publichouse.

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1270. Don't you think that the mother of a family—a respectable female—going for the family supply, would rather be seen going to a grocer's shop to get it than to a publichouse?—That may be her feeling. It would not be mine. If you take away the grocers' licence to sell spirits, I have not the least doubt the same people would go to the publichouse if they wanted whisky.

1271. *Mr M'Lagan*.—You stated that there was generally an increase of drunkenness with an increase of wages?—I think so.

1272. I think that statement is corroborated by the increase of convictions in 1872 and 1873 from 530 to 707, when there was a large increase of wages. But how do you account for the increase of convictions from 1873 to 1876, when there was a great fall of wages? The increase has been from 707 in 1873 to 788 in 1876?—The theory would not apply there of course; but there are fluctuations in the statistics in the actual returns which it is impossible for me to account for on any known facts. Still I say that as a general principle an increase of wages as a rule with that class of people who spend a good deal of their wages on drink begets an increase of drunkenness.

1273. In the case of the labouring classes it is quite consistent with my experience and knowledge, but is it consistent with your knowledge and experience that when people have once acquired a taste for drink they cannot give it up, and they give up spending so much in buying clothes and meat in order to get drink?—That would apply to the very far gone class of people.

1274. I don't mean that they would sell their clothes, but they buy fewer clothes and buy less food and provisions, in order to be able to continue to gratify their taste for drink when they have once acquired a taste for it?—I have no doubt that men who have once acquired a taste for whisky will go to considerable lengths to obtain it; but I should be very sorry to think that the majority of the working people were come to that stage that in a time of depression of wages they would sell their clothes or put them away to obtain drink. That would apply to people far under the standard of the working classes in Fifeshire.

1275. I do not say that they would sell their clothes to get drink, but they would buy fewer of the necessities of life in order to have money to spend on drink?—I don't think that any of the working classes would do that, except the more abandoned of them.

1276. Will you make inquiry and see if you can get any information on that subject in Fifeshire, particularly from 1870 to 1876, where there has been a great rise of wages from 1870 to 1874, and a fall of wages from 1874 to the present year?—I will endeavour to get that for you as regards Fifeshire. I wish to mention that I think it is an evil that little children should be allowed to go either to grocers or publicans as messengers for drink. I am aware that there was a decision some time ago that it is lawful to send a child under fourteen to get whisky or excisable liquor, and I don't doubt that in some cases, such as in the case of sickness in a family, it might be absolutely necessary, but as a general principle it is a mistake to allow young children, either boys or girls, to go and be the means of buying or getting excisable liquors to carry home.

1277. *The Chairman*.—Do you think there is any harm in a child being employed to carry home a sealed bottle?—The child will not suffer actual harm from carrying it home, if it does not taste the contents. What I object to is more the idea of children going and getting whisky and carrying it home. I think they should have come of age before they meddle with whisky.

1278. *Mr Campbell Swinton*.—The Act says, 'sell or supply,' and the justices have generally thought that prohibited them from being sent as messengers?—Yes, until that decision.

1279. *Mr Ferguson*.—Do the justices in Fifeshire make it a condition that the dwelling-houses and the shops should be separated?—No. They made it a condition as far as was possible to carry it out, that neither

back nor side doors should be allowed to any premises for which they grant new certificates. But there are many of the grocers and publicans whose houses have communication internally with the licensed premises.

1280. *Mr Campbell Swinton*.—Would it be an improvement if that were not allowed to continue?—I don't know. If a man is disposed to evade the law he will do it in spite of the police. It is better to get a good class of men who will carry out the law, and it would be a great hardship to separate their premises entirely if they lived under the same roof.

22. REV. JAMES H. WILSON, examined.

1281. *The Chairman*.—You are minister of Free Barclay Church, Edinburgh?—I am.

1282. How long have you been minister of that church?—Since the end of 1864. Previously I was in Fountainbridge, minister of the same congregation, from about the end of 1852. We transferred a considerable part of the congregation to the Barclay church in the end of 1864, and I have been minister of that congregation since.

1283. Is your congregation in a poor district?—Originally it was almost entirely confined to a poor district. It was what is known as a territorial,—which is very much equivalent to a parochial charge. I lived for 12 years in the heart of the district in which I laboured, so that I knew the people living in it thoroughly. I was acquainted with their habits and ways, and was indeed very much one of themselves.

1284. Have you given attention to the subject of our inquiry, viz., the question of giving licences to grocers to sell spirits?—I am not so much acquainted with that personally: I have been better acquainted with the working of publichouses, for this reason that the number of grocers' shops in the district in which I laboured was very small. In the first instance there were only two. We had a large number of publichouses. But of course I have a general acquaintance with the subject apart from any special knowledge.

1285. You said that formerly you had only two grocers, but a large number of publichouses. Have their relative numbers been altered?—Not materially, except that the publichouses have been very largely reduced. During the Lord Provostship of Mr Brown Douglas the whole state of things was most materially improved. He went in for a reduction of publichouses, and we benefited very largely by his whole influence and action during his provostship, and since then there has not been an increase.

1286. Has there been an increase in the number of licensed grocers?—Not in that district, but in the immediately surrounding district there has been a large increase.

1287. I believe you are acquainted with the operation of the system in your own neighbourhood?—The increase of licensed grocers has been very large.

1288, 1289. *Mr Ferguson*.—But not in the poorest part of the district?—No; but the district has grown very largely. A very large industrial population has gathered with the increase of public works; so much so that that part of the city has been spoken of as the Manchester of Edinburgh. A whole town has sprung up; and there, there are licensed grocers. The growth is quite recent, and of course the planting of these grocers' shops is recent also.

1290. *The Chairman*.—You have not yet named the district, have you?—The district with which I am best acquainted is the district of Fountainbridge—Middle Fountainbridge, and the part running right west into the country at the Dalry Cemetery.

1291. Can you tell us what, in your opinion, has been the effect of the increase of the number of grocers' licences in that district?—I believe it has been hurtful—extremely hurtful, in many ways. In saying this I am not speaking of that district exclusively. So far as my knowledge goes, of a certain class of grocers—the smaller class of dealers—I believe, in the first instance,

they have suffered immensely themselves. I am acquainted with cases where men, and more especially women, have been ruined by having these licences. Quite recently, a member of my congregation, the wife of a respectable man in an official position, took one shop, and then another, and drank herself to poverty, and then to death. A most respectable member of my congregation told me he had been in the trade, and had come out of it purely for his own safety—that almost every acquaintance he had had gone to ruin through beginning to drink, and that he had come out of it solely to save himself from following in their wake. Then I believe it has been very deleterious to the shopmen and to travellers. I don't know whether the attention of the Commission has been called to this, but I think it a very important fact to state, and I state it on the authority of some of the parties themselves,—namely, that it is very common for what are called the town travellers of brewers to treat in shops, and that they have an allowance made by their employers for the purpose of treating. They do not always actually drink, but they order the drink. They take it or don't take it just as they choose, and in any case they pay for it, and what they pay for is often shared by the shopkeeper. The effect of this is very hurtful to all concerned, especially to the travellers, more particularly when they are young men. That goes on to a considerable extent, I believe. Lastly, it is very hurtful to the people, especially to the wives of our working men. I have no doubt that there has been a considerable increase in the drinking of women in all classes of society—among ladies as well as women of a humbler class. My attention has been called more especially to drinking among women, both in connection with my own work and in connection with a Home with which I am connected, for the reclaiming of women of the humbler classes who have fallen into intemperance—the wives and daughters and sisters of working-men. I believe that the drinking of these women arises from several causes. It arises partly from the prescription of drink to these women by medical men—not so largely now, I daresay, as some time ago. It arises, secondly, from the giving of beer to servants, especially in larger houses. They get into the habit of using beer as servants, and the taste is thus created; and, once created, it must continue to be gratified. I find servants, for instance, respectable young women of 25 and 26, get into habits of confirmed drinking very much owing to that, I believe. When they settle in houses of their own, the habit is formed, and it must be gratified.

1292. You mean, do you not, that from their habit of drinking beer they take to spirits afterwards?—Yes; the taste for drinking is created.

1293. But would not the taste for drinking beer rather prevent their drinking spirits?—Not necessarily; the taste for drink is created, and it may be beer or anything else they take. The fact that they become addicted to beer-drinking does not necessitate their continuing to drink beer. They want stimulant, and they must have it. Then there is another evil which I can speak to on good authority. The husbands of young married women of the working class are away during the day. These women do not think it worth while to make a separate meal for themselves, and they get a pint of beer or ale and a bit of bread and cheese, and these make their dinner. This creates the habit of drinking. I refer to this because the subject of female drinking is creating a large amount of anxiety among those who are labouring among the poor. We have been making enquiry on the subject, and have ascertained these to be the facts.

1294. But although what you have been saying is well-founded, you must observe that it is not conclusive?—I am coming to that. The grocer's shop is the shop where those women get their supplies. Servants would not go to a publichouse, but they do go to grocers'. The young married women to whom I refer would not go to publichouses; they would not think it respectable to do so, because it would be known. Accordingly they go to the grocer's; but after they have become drunkards they will go anywhere and do anything to get drink. In the initial stages of their intemperance they almost all go exclusively to the shop of the grocer, and they

get drink there. I have gone to grocers and expostulated with them in regard to cases with which I was conversant, and what they said to me was that, however willing, they could not refuse to sell the drink.

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1295. You are assuming, are you not, that their drinking the beer at dinner time is the initial stage of intemperance?—Yes.

1296. Then you think that the means of procuring drink at the grocer's shop—drink which is taken home and drunk at home—are as great as if the publichouse were resorted to, and the liquor consumed there?—It comes to the same thing in the end; but they go to a grocer's shop for drink and obtain it there when I believe they would not go to the publichouse for that purpose. I shall now speak with reference to men. I was not formerly personally acquainted with this subject, but I was led to make enquiry as to the extent of the evil, more especially since this Commission began to be spoken of. I am informed that it is an extremely common thing for working and other men to go to the grocers' shops and drink just as they would in a publichouse. In my own district I know the case of a man who had fallen into intemperance to the great grief of his wife. She of course began to look about her to ascertain the cause of his intemperance, where he went, what he did, and so on; and she ascertained that in a fortnight he spent no less than 14s. on drink, in one grocer's shop. This drink he generally got on his way home from his work.

1297. Mr Campbell Swinton.—Did he consume it on the premises?—Yes.

1298. The Chairman.—Have many cases come under your own observation of grocers allowing the purchasers to consume the liquor purchased on the premises?—I cannot speak of that from personal knowledge, but one who has been in the trade for 37 years, with whom I have been in close contact as a fellow-worker among the particular class of people to whom I allude, says to me that it is notorious—that it is not only a common thing, but that it is almost universal—for them to permit liquor to be consumed on the premises. Another respectable man in the trade says that he believes that every shop in his part of Edinburgh does it except one, and that it is quite understood that they do so.

1299. Mr M'Lagan.—Does he do it too?—He is an unlicensed grocer.

1300. The Chairman.—But ought not these general statements to be verified in order to be considered well-founded?—I am not in a position to verify them from my own personal knowledge, but I believe that these men of whom I speak would be quite prepared to come and do so, although not in a public way. The difficulty is very great to a man in business making a statement which may seriously affect those in the same trade. I believe, however, that these men would be prepared, in a private way, to give such facts as they can substantiate.

1301. If you know of any such persons we shall be obliged if you will furnish their names to the secretary, so that we might be able to see them privately. It is desirable that men who can speak to such facts should be heard?—I will send the names to the Secretary. I don't think that as a rule people have much idea of the enormous extent to which the sale of spirits extends by grocers and provision dealers, or of the sale of drink among the humbler classes. I know that one of those dealers was in the habit of selling 18 pancheons a year in this way, that is to say £1800 worth of whisky.

1302. Mr Campbell Swinton.—But not to be consumed on the premises?—To be sold in his place of business,—not to be consumed on the premises.

1303. The Chairman.—Have cases come under your own knowledge of women going to grocers and getting spirits without their husbands' knowledge?—They have gone to grocers and got spirits without their husbands' knowledge, but I am not acquainted with cases where spirits have been put down in the name of groceries. There is one case with which I am acquainted of a wife going to a grocer's shop and getting different kinds of drink to a large extent and getting them entered in a

EDINBURGH. pass-book as alcohol. Whatever the drink may have been it was put down again and again as alcohol. I am not acquainted with cases where drink has been got and it has been entered in the pass-book under the name of groceries. I have heard of such cases.

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1304. Have you had complaints made to you by husbands or others of their relations having got into drinking habits by their going to the grocers' shops?—I can't say that I have had complaints made to me of their getting into drinking habits in that way, but I have heard complaints that these people had got into such habits through doing so.

1305. Through their resorting to the grocer's for spirits?—Yes.

1306. *Mr Campbell Swinton*.—You must always recollect that we are speaking of spirits to be consumed on the premises?—I refer to the mere purchase of spirits. I have often met with such cases.

1307. *The Chairman*.—I don't mean mere report, but has a husband said to you 'My wife has got into 'the habit of drinking through going to such places'?—I could not say that husbands have made such complaints to me. You can of course conceive that that is a delicate thing for a man to do. I have been brought into close relations with such people as we are now referring to; still I can't say that working men have come to me to make complaints with regard to this matter. Nevertheless I have met with the fact.

1308. *Mr M'Lagan*.—You mentioned one case where a wife got drink without the knowledge of the husband, and in which the drink was marked down as alcohol? Did the husband complain to you of the wife having got the drink, or how did the case come to your knowledge?—Through the missionary of the district with which I am myself connected. That missionary, if I am not mistaken, saw the book itself; or at least he had the fact from the husband, the husband having complained to him.

1309. *The Chairman*.—In these matters is it only a general idea that you speak from?—I know the fact that they don't go to the publichouse to get the drink, but they go to the grocer's and obtain it.

1310. You mean in certain cases?—Yes. And in regard to the reason of it, the great objection we have to the connection of the drink trade with the general grocery trade is the covertness that pertains to it.

1311. Then the remedy you wish to apply is a separation of the spirit trade from the provision trade?—Yes. I don't believe that anything else would cure the evil.

1312. Am I doing you injustice in supposing from the tenor of your evidence that what you would like still better would be the putting down the sale of it altogether?—I believe that it would be a great public blessing if the sale were put down altogether; but apart from that, I make the statements I have just given you.

1313. You have expressed strong objections to people using any fermented liquor at all apart from distilled liquors?—You regard the use of beer, for instance, as the initial stage of drunkenness. I only gather from your evidence that you are an earnest advocate of refusing to sell drink of any kind?—I am; but I see that we have no immediate prospect of anything like a Permissive Bill excluding drink from whole districts, and so we must take things as they are, and try to make the best of them. It is with that view that I have made these remarks.

1314. And in fact you wish to cut off one source of supply if you cannot do more?—Yes. But I may be allowed to say that I think it would be well worth while to make an experiment in regard to this matter,—that is to say, to have considerable districts where these grocers' licences were not given, especially in suburban districts—large industrial suburban districts. In some of these there are no publichouses; there are merely grocers' licences, and yet we find the evil of drink creeping into houses in a different way, but still with the same effect as where the publichouses exist. We were very anxious to carry out an experiment of this sort in the district to which I refer. I appealed to the magistrates to give us the opportunity of doing so, and we fought against every

licence. One grocer's licence was applied for 15 times for the same shop, and we had 15 battles to fight against the granting of the licence, and we ultimately succeeded. But it was a hopeless task, and the consequence was that by degrees publichouse and grocers' licences were granted, and now it is not very different from the rest of the city. Still I believe it would be worth while, in the great emergency which has arisen, that in some way an experiment should be made—an experiment of having a considerable district free from grocers' and publicans' licences, so that we might be able to judge what the effect of such an arrangement would be.

1315. With the view of doing your arguments all justice, I shall put this question: When you speak of the great emergency, you assume, do you not, that drinking habits are largely on the increase?—I believe so.

1316. It would not alter your view, in that particular, would it, if the returns of the police in Edinburgh showed that there was a large diminution in the number of cases of public drunkenness reported?—I don't refer to cases of public drunkenness, but to family drinking and drinking at home, which are far more serious than public drunkenness. I believe that this is undermining society in a far more serious way than the drunkenness which comes before the public eye.

1317. Would you tell us how you think this practice of family drinking is undermining society?—First of all, the fact that women are drinking to such an extent must affect their families. They are familiar with it at home, and the children grow up under these influences.

1318. You are speaking of drinking to excess, are you not?—No. I am speaking of drinking which is not to excess in the first instance. That, however, in very many cases, ere long comes to be drinking to excess.

1319. Then you are speaking with disapproval of the habitual use of fermented or distilled liquors as a diet?—I believe the habitual use of these as a diet among that class of people is fraught with great danger, in the way of creating a taste which demands more.

1320. You have spoken of the effect of the common sale of liquors as undermining society. Then you say the practice you refer to is the frequent use of liquors in the home. Now, do you also mean that the use of liquors at home very generally produces the excessive use of liquors there?—I do.

1321. And that is generated by the facility of purchasing liquor and bringing it home?—Yes. In regard to the sealed bottle I might say a single word. I do not feel at all sure that it would mend matters at once. I believe it would lead largely to evasion. Even with a sealed bottle it would not be difficult to evade the law. From what I know of the class of people who are in danger, I fear it would (just as Mr List of the Berwickshire County Police put it to me) lead to their taking 'a bigger drink.' That is to say, a working man will take a gill of whisky in a day. If he gets a bottle containing 5½ gills, I am assured by those who know well about these matters that it would be the greatest difficulty in the world for him or many of his class to keep that quantity till morning. While, therefore, the adoption of that system might cut off many of the evils attendant upon these smaller shops, still I think the sale of the quart sealed bottles might lead to more grave evils of a different kind. The only other matter that I wish to call the attention of the Commissioners to is the matter of grocers' vans. This matter has come under my notice, both from the inquiries I have made on the subject, and also in connection with the subject of women drinking. In various parts of the country I know that these vans are doing very serious mischief. The evil is a growing one, too. They are carrying the evils of the publichouse into the most retired country districts. In cases where licences have been withdrawn from toll-bars and publichouses, the grocer's van is doing very much the work which those toll-bars and publichouses did before; and where drinking had almost disappeared, it is now re-appearing by the sale of drink by these vans. There is one provincial town where a few years ago there was just a single grocer who sent out a cart

He did so in a respectable way—sending groceries and drink to country families. In that town, I am informed, there are now 7 of them who have vans, and they are all licensed grocers.

1322. May I ask what town that is?—Jedburgh. I believe as a rule the van is not started till the licence is got. When the licence is got, the van follows. There is one village which is visited by 11 of these vans. That village is not a large one either,—only a small village, and most of the vans are vans of licensed grocers.

1323. Do you not think that if a man has the trouble to order liquor from the town it tends to diminish drinking more than if he were to go to the nearest publichouse to get it when he wanted it?—But it leads a different class of people to drink. It is the wives of farm-servants and small farmers, and working people generally, who take the liquor thus supplied, and who would not go to a publichouse.

1324. *Mr Campbell Swinton*.—Is it your belief—or do you know—that drink is sold from the vans; or are the vans sent to the country to execute orders?—They profess to be executing orders. In some cases, however, the case stands thus—and I state it on the authority of the chief constable of Berwickshire, who is thoroughly conversant with the matter—that a vanman will ask the wife, in such cases as I have mentioned, if she wants a bottle of whisky next week. She may very likely answer that she does not know. He may bring it if he likes, and if he does so, he puts it down as a *bona fide* order; and then if it is not wanted he just takes the bottle back. I believe there is a good deal of that style of selling liquor.

1325. *Mr Ferguson*.—Can you suggest anything to stop that?—That is one of my arguments in the direction of the separation of the two trades. I think it is a very weighty argument in favour of the separation of the grocery from the spirit trade.

1326. *The Chairman*.—You think, do you not, that the spirit dealer would not think it worth while to send out his cart?—He would not. Here, again, it is the covertness of the sale which is one of the great sources of the evil.

1327. I am asked to put the following questions to you: Are you aware that the late Dr Guthrie was of opinion that of the two kinds of drinking he preferred drinking at home?—I am not aware. But Dr Guthrie's acquaintance with this subject was pretty far back. New evils have developed themselves since his time. Had he lived now, I believe he would have taken a different view of things, seeing the new and present state of the evil.

1328. Another question is, is it not the case that the district of Fountainbridge and the neighbourhood consist to a large extent of what are called the lapsed classes, so as to be hardly a fair sample of the operation of the grocers' shops among the respectable poorer or working classes?—Fountainbridge contains the very best class of working people in Edinburgh. What is called Middle Fountainbridge at one time contained a very lapsed class. It was the district from which the largest number of police cases originated. But a new suburb has grown up, alongside of that, with the very best and most respectable class of working people in the city.

1329. I suppose there are a great many respectable people who do not abuse liquor, and who get moderate supplies of it?—Very many. I don't make a charge against the class of working people as a whole; I refer to specific cases.

1330. *Mr Campbell Swinton*.—When you speak of the separation of the trades, do you think it would be a good thing for the respectable class of working people who get a moderate supply for their home consumption at the grocers', that they should be driven to the publichouse in consequence of the grocers' licences being taken away?—No, I don't think it would be desirable to drive them to the publichouses. I have no doubt, however, that what would virtually be a new trade would be started in the shape of more respectable dealers—not wine merchants, but a humbler class of dealers corresponding in some measure to them.

1331. You mean spirit dealers who don't sell EDINBURGH. groceries?—Yes.

1332. Are you aware that there are such shops?—*Rev. James H. Wilson.*

1333. *The Chairman*. I suppose you are far from saying that there are not grocers who conduct their business respectably?—Surely.

1334. *Mr M'Lagan*.—Do you know of any specific case of a habitual drunkard whose drinking career you can trace to his first getting drink in the grocer's shop?—I know it in this way: in the case of the grocer himself.

1335. Do you know of a member of the public in that position?—No; I can't at present speak of any specific case which I can trace directly to that source.

1336. So far as I understand your evidence, it is this, that the people acquire a taste for drink from the grocer's shop, and that then they don't care where they get the drink, whether at the publichouse or any other place?—That is so.

1337. As regards the doing away with the carts which convey spirituous liquors to the country, suppose they were done away with, and that the demand for spirituous liquors continues, would there not be a certain class who would find ways and means of conveying drink to the country?—The taste needs to be created, and the taste is being created; and once created those who have the taste would get it in any way. I believe it is the cover of the grocer's part of the business which makes it easy to do the evil which is daily being done, and that it would not be so easily done by a dealer who was purely a spirit dealer.

1338. Are there not those who send out soda water and lemonade and ginger beer, and who do not require a licence?—Yes.

1339. Would it not be easy for them to smuggle out spirituous liquors if they found it profitable to do so?—It would be easy; but in that case it would manifestly be drink, whether spirituous or not, that they were conveying, whereas, just now it is tea and sugar and other groceries which form the cover, and which don't cause suspicion. It is this fact which makes an additional danger arise from groceries being sold along with spirits.

1340. That is one danger, but the principal drink of teetotallers is lemonade and soda water, and such drinks as these, and a man might profess to go out and supply those innocuous drinks to teetotallers in the country and yet smuggle out whisky to the general public?—I don't think the class of which we are speaking, are much in the habit of buying soda water or any of those beverages.

1341. They might not take spirits to teetotallers, but to the wives of working men and others to whom you alluded?—They could send it, no doubt, but then it would go out pretty manifestly as drink.

1342. You think at all events that though you were to stop the sending out of grocers' carts, the other thing I have alluded to would spring up?—Where the habit has been formed, no doubt it might, but not where it has not been formed, as in the country generally.

1343. I am not sure that it would. Suppose a grocer found it profitable to send out drink to the country, and that the legislature should stop that by withdrawing his licence, do you think he might not begin to send out whisky under the disguise of sending soda water—that in short he might not substitute soda water for groceries as the cover for the liquor?—Yes, he might, but it would be very difficult to do so.

1344. Would you propose nothing to stop that too?—No; I think the evil would lapse if the grocery part of the business were withdrawn.

1345. *Mr Ferguson*.—The Commissioners see that you have a strong objection to the whole trade. Am I right in understanding that that is on account of the results you have seen?—It is on account of my experience in the course of my work among the class of people to whom I have referred.

1346. And you are extreme in your views on that point because you see no other way of counteracting the evil amongst them?—I believe not effectually. Perhaps it may be gratuitous to make the statement, but I have

Rev. James H. Wilson. made it before, to those who are connected with the police and otherwise, viz., that I believe that in such a district as Fountainbridge, where formerly we had a worse class of population than now, we could have become good for the peace and good order of the community without the police at all, if there had been no grocers' or publicans' licences. I don't think it is out of the way to make that statement. If the grocers' shops and the publichouses had been withdrawn, we could have become good for the entire good order of one of the lowest parts of the city.

1347. *The Chairman.*—That means that the breaches of the peace, &c., arose from the use of drink?—Yes. I would like to state in conclusion that I had no wish to appear here to-day, that it was only on your own invitation that I agreed to come, and that I did so with very considerable reluctance.

23. **REV. ALEXANDER DRIMMIE MURDOCH, examined.**

Rev. Alexander Drimmie Murdoch.

1348. *The Chairman.*—You are minister of All Saints' Episcopal Church in Edinburgh?—I am.

1349. You have given attention to the subject of our enquiry—the operation of the grocer's licence for the sale of spirits?—To some extent, but not very largely.

1350. You have done a considerable amount of work in the poorer parts of Edinburgh, have you not?—I have.

1351. Would you kindly state your opinion as to the points to which our enquiry relates?—I would rather be asked questions. I can only say the little that I do know about it is that I believe that grocers' shops do very much encourage drinking amongst women, that they encourage its being done in secrecy, and that their husbands are put to great disadvantage in trying to check this habit in their wives through the book system, as it is called. Though I have no particular knowledge of any one case which I myself could verify from my own knowledge, yet it is common report among my people that drink is entered in the pass-books under other heads than that of intoxicating drink. I have heard it said that it is entered, for instance, under the head of potatoes and soap. The husband himself may pay the account, and never suspect that anything is wrong.

1352. You say that this practice is known to you by report. Is that by report made to you?—Yes; I have met cases where one person has reported it to me of another. I have known of women who have got into habits of drinking together in the afternoon; when I have gone to make enquiry about it, one has blamed the other for getting in the drink in the ways I have described.

1353. We don't ask you to give the names here, but I must ask you were you told the names of the dealers who were in the habit of giving drink in this way?—No.

1354. Were you told distinctly that they were grocers?—Yes.

1355. Have you found that practice of drinking at home on the increase among the working-classes?—I have, among women, very much. I think it is greatly on the increase among the respectable poor.

1356. *Mr Campbell Swinton.*—Are they a class who would not be likely to go to the publichouse?—They would not be likely to go to the publichouse in the first instance—not until they became habitual drunkards.

1357. *The Chairman.*—Is it a custom to send for the spirits and take them away in open vessels or in bottles corked at the time?—I know it is the custom to take it away in open vessels.

1358. Have you had it brought under your notice that children are sent for that purpose?—Yes.

1359. Have you had that distinctly brought under your notice?—Oh yes.

1360. Is it your opinion, from your observation of these facts, that the bringing of drink home is an evil

per se so great that you would prefer to have drinking left to the publichouse?—No, I should not say so, speaking generally. I think there are some people who are losing power of self-restraint, to whom it is very dangerous, and whom it leads on little by little till they lose shame, and then go to publichouses, and this they soon do.

1361. Would you go the length of saying that people should be able to buy liquor in small vessels at grocers' and to bring it home?—No. It is an evil in certain cases, but the primary evil is in the person himself or herself losing self-restraint.

1362. Do you think that it is a distinct evil that there should be that facility for getting liquor in secret, and that instead the liquor should be sealed in a definite quantity, and sold as spirits?—I think the secrecy is decidedly the evil. If a grocer kept a second shop next door to his grocery shop for the liquor, I should not have so much to say against it. I think it is the secrecy in the matter which is doing the evil.

1363. Would you describe the process of the evil?—I think it encourages people to buy drink who would be repelled from doing so if they had to go in at the door of a shop which was open simply for the sale of liquor. At present they go home with their basket of provisions, and there is a bottle of whisky, very likely in the middle of them. Now, if the grocer kept his whisky in a shop next door to his provision shop, many people would not go in at that door for the liquor who are now encouraged by the secrecy with which they can do it, to purchase it along with their provisions.

1364. Has it been a matter of complaint made to you by working men or others that women are spending their wages on drink?—Yes. I have known it as a fact.

1365. Do you wish us to understand that you believe it to be a frequent thing?—I think it is a very growing evil. I have come across it in very many cases, and these cases seem to be increasing every year, among people who have got more or less a church connection, and whom we have been accustomed to look upon as respectable people. Among these people we find that the evil is much more dominant than one dreamt of before.

1366. Have you had distinct reason to believe in many cases that women get the spirits when they go to the grocers' shops and drink them in those shops?—I have not known of any case, but I have been told by men who have been drinkers that it was a very common custom for them to get drink at the grocer's shop on the way to their work. I have been told by men whom I can now trust as reformed men that that was their custom.

1367. The women you referred to as drinking in the afternoon were drinking to excess, were they, or were they only taking a moderate quantity?—I have seen the result of it sometimes in their being unsteady in the street. One also sees the effect of it in the gradual degradation of those who take it.

1368. In regard to your opinion that drinking among the respectable working classes is on the increase, is that a general idea impressed on your mind by your distinct observation, or have you any data to proceed upon?—No. It is my general impression that one meets with many more cases now than one used to meet with.

1369. Do you think that in your district there are publichouses where respectable women purchase small quantities of beer or porter, and take it home for use at meals?—I don't think they do so at publichouses.

1370.—Not as it is done in England?—No. I have noticed the difference. I see that the grocer's shop here acts very much like the publichouse in England in that respect.

1371. Is there anything else you desire to say?—I have got no theory on the subject of legislation. So far as that is concerned, I shall wait until I hear what the Commission thinks. But I am quite anxious that something should be done for the supervision of grocer's shops, and that there ought to be a distinct and con-

siderable punishment for the false entries made in pass-books—entries of liquor under another name. I feel that to be the real evil in the district in which I am working.

1372. Would you certainly be in favour of the obligation to sell liquor in sealed bottles and in a given quantity?—Yes. I am inclined to take that view at present.

1373. Supposing grocers were obliged to sell it in not less than a pint, do you think that would make a woman buy a pint when she would not have bought more than a glass?—I don't know that the pint would do more harm than the glass. I think it is the constant taking of it in small quantities which forms one great cause of the evil. One might be afraid to try the experiment on many people, but I think people ought to be taught and encouraged to be able to look at any quantity of liquor and resist it.

1374. You think they should be encouraged to resist the temptation?—Yes. I think the real cure lies in the encouragement of self-restraint. Those who have this restraint should endeavour through whatever organisations they can command to bring their influence to bear on people who lack it. I don't hope much from any legislation on the subject. One other thing I desire to say is to suggest that grocers should keep a file of entries of everything they sell just as drapers do. I suggest whether that might not stop to some extent the false entries in the pass-books. If this suggestion were adopted it would make it possible for the grocers making these entries to be punished. Evidence for their conviction would be more get-at-able. For instance, there would be the entry in the customer's book and an entry in the grocer's book; and if any one case were found out in this way to be a case of false entry, then the man who made the false entry would be more easily punished.

24. Mr JOHN MOSCHUP, examined.

1375. *The Chairman.*—You are, I believe, superintendent of police at Kelso?—I am.

1376. What force of police have you in that burgh?—Three,—two men besides myself.

1377. How many licensed houses have you?—24 grocers, eight hotels and inns, 4 publichouses, and 2 ale and porter licences—38 in all.

1378. What have been the numbers for the last five years?—There has been little difference. They were reduced somewhat at the last Licensing Court. Before that they remained stationary, or nearly so, for years, the total number of licences being about 40.

1379. How many were there ten years ago?—Just about the same as now; about 40, or a very little over 40. Twenty years ago the number was about the same.

1380. *Sheriff Crichton.*—What kind of houses were refused the licence last year?—A publichouse and a grocer's shop.

1381. *The Chairman.*—It is evident, is it not, that the grocers are greatly in excess of the other houses?—They are indeed.

1382. Are the magistrates particular in keeping the numbers down?—They are adopting measures now for doing that, either by conviction or a change of tenants.

1383. And they do not licence new houses if they can help it, do they?—They do not; they have made up their minds not to do that.

1384. Are many of the licensed grocers in a very small way?—In a very small way indeed. I have the rents of their places of business here, and I have divided them into three classes as follows:—Under £12, 5; above £12 and under £20, 7; above £20, 12—total, 24.

1385. In your belief, are some of these grocers subsisting mainly by the sale of spirits?—I do believe that. They cannot keep the one without the other. They cannot live by groceries alone—the smaller class of them.

1386. What is the population of the burgh?—Under 5000. EDINBURGH.

1387. Then there is one licensed house to about 120 persons?—About that. John Moscrip.

1388. Have you had many convictions of licensed houses?—There have been nine convictions of licensed grocers since 1871.

1389. That is not more than one a year; or have you had more in one year than in another?—In 1876 we had four convictions.

1390. Have you had any cases of suspicion in which you could not prosecute?—A great number.

1391. Are you disposed to say that you think the law is commonly evaded in this class of houses?—I think it is, in various ways.

1392. Would that remark be confined to the lower class of houses?—Chiefly to them.

1393. In what way is the law chiefly evaded?—By concealment of the drinking on the premises, which have their doors and windows blinded, so that you can see nothing of what goes on inside. Then the law is also evaded by giving drink after hours at night and on Sundays.

1394. Are the windows you mention artificially blinded or blinded by stock?—Artificially blinded.

1395. What remedies do you suggest for the difficulty in detecting evasions?—It is not easy to detect them. They have watches out in all directions, if they have any suspicion that they are watched. It is not from report that I speak; I speak from my own experience of the working of the system. I think the only way would be to reduce the number of houses; to take away a number of the small rented houses, and get them into a better class of licensed men.

1396. *Sheriff Crichton.*—Would you fix a minimum rent for the grocers?—In such a place as Kelso £20 or £25 would be a respectable and reasonable thing. A respectable house would be got for that.

1397. *The Chairman.*—£20 would be a large enough rent, would it not?—There are some large houses in the trade.

1398. Would not that be a large rent?—No; some of the best shops are high rented—over £100, and £60 and £70.

1399. Are your ordinary grocers' shops opened before 8 o'clock?—Not all; but some of them are opened before 8 o'clock for the sale of groceries.

1400. Do you fancy that they sell drink before that time?—They have it in their power to do so. People go to the shop for groceries before that hour, and it is possible they may get drink too.

1401. Do you direct your officers to keep watch on these houses?—Yes.

1402. Would one of your officers notice if a number of working-men were going in before 8 o'clock in the morning?—They don't do that; I never could see that done.

1403. You don't think they go and get a dram on their way to work?—Not at Kelso; they don't get it in that way there; so far as I am aware, that is not the practice in our burgh. The publichouses generally keep very strict to the hour. Going to the grocer's shop for groceries, it is possible they may get drink and carry it out before 8 o'clock.

1404. But a working man would not go to buy groceries between 7 and 8 o'clock, would he?—No. The general hour for going to work is 6 o'clock.

1405. Do you think the working men are in the habit of going to the grocers' shops before 8 o'clock in the morning at all?—Not that I am aware of; unless some of them in the course of their drinking habits do it at that time, when they are not at work.

1406. Your officers do not tell you of men going into grocers' shops at that time, do they?—No.

1407. Would some of your officers be about the town at that time?—Yes; I am out myself by that time.

1408. What has been the number of convictions on charges of drunkenness?—Of disorderly cases there have been 270 in five years,—270 brought before the magistrates and convicted.

EDINBURGH.

1409. Can you give us the numbers in successive years?—I can. They are as follows:—

John
Moscrip.

From 1871 to 1872, . . .	39
„ 1872 to 1873, . . .	52
„ 1873 to 1874, . . .	46
„ 1874 to 1875, . . .	56
„ 1875 to 1876, . . .	77

Total, . . . 270

1410. Do these figures apply simply to charges of drunkenness?—Charges of being drunk and disorderly, or breaches of the peace—anything of the nature of noise and disorder.

1411. Would many of these be convictions of habitual offenders?—A number of them; the same parties just coming up from time to time.

1412. The numbers brought up are much on the increase, are they not?—They were in 1876.

1413. *Mr Campbell Swinton*.—What do you attribute that to?—One thing I attribute it to is the working classes having more money and too much time on their hand, as I think.

1414. *The Chairman*.—I am told that your grocers supply a large agricultural district round about: is that the case?—Yes.

1415. Do they send out carts?—Yes; six carts leave Kelso every morning, and go round the country for a considerable distance.

1416. Would that account for there being more houses than are wanted for the burgh?—No doubt there are more than are wanted for the town. A number of the best class houses send out goods to be delivered on *bona fide* orders. Another class go out and hawk for orders.

1417. In regard to those carts that solicit orders, have you reason to believe that they take spirits on the chance of selling them?—It is currently reported so by agricultural servants in the country.

1418. Have you had a case of that?—Yes; there was one conviction in 1871 for hawking.

1419. It is a kind of offence difficult to detect, is it not?—Yes. If you don't come round the people they are dealing with, there is no chance of detecting them. In the case I referred to, the party supplied gave the information. The police have no chance of getting at them, because they hold it as an order delivered.

1420. Is it in your opinion important that the business premises should be detached from the dwelling-house?—Yes, decidedly.

1421. Would you make that a condition in any kind of house?—Would you think it necessary in the case of a large and respectable shop doing a high-class business?—That would make a difference. There is a class of houses quite above doing anything illegal—supplying drink to be consumed on the premises, or giving it at illegal hours—and who keep strictly to the law; but I don't know how you could draw the line.

1422. In the case of licensed houses with a rent of £20 or £25 a year, do you think the business premises should be kept apart from the dwelling-houses?—Yes.

1423. Do you know of any cases of grocers treating policemen, to keep them quiet?—I have heard it said so, but I never could detect it. It has often been reported. It is only the lower class of grocers that would do such a thing. The higher classes would not do anything of the kind.

1424. You believe, do you not, that your magistrates think the number of houses too numerous, and wish to reduce them?—It is my opinion that they do.

1425. *Mr Campbell Swinton*.—When a man applies for a publichouse licence, do the magistrates refuse that and give a grocer's licence?—That has never been done.

1426. *Sheriff Crichton*.—You said they were reducing the number of licensed houses in respect of the convictions. Do you mean that the magistrates are not renewing the licence to any person who has been convicted?—That is so. If there are two convictions against them, the licence is refused. They have also refused to license a new house.

1427. *Mr Campbell Swinton*.—Even a grocer's?—Yes. They think it a hardship to take the licence from

people who have held it for a considerable time and not committed any offence, without some reasonable excuse.

1428. *The Chairman*.—Is there anything else you wish to state?—I don't recollect anything at present.

1429. Would you think it important that sales should be allowed only in sealed bottles?—I don't think it would cure the evil. I think the sealed bottle would open a door for evasion in another way. They would smuggle it out to customers as they do now. There is a low class of customers who go under night and on Sundays for drink, and I have no doubt that if the sale of liquor were restricted to sealed bottles, the grocers would have ways and means of giving it out, and the customers would have ways and means of getting it.

1430. Does it come under your knowledge that children are sent to grocers to bring small quantities of spirits?—Yes, they are sent for such quantities.

1431. You do not think that a good thing, do you?—I think it a very bad thing; but then grocers in defence of themselves say that it is not for the children's own consumption, but that they are sent by parents or somebody else. The liquor so sent for is sometimes carried in bottles and sometimes in open vessels, whether they are pitchers or jugs—carried through the streets quite openly.

25. Sir ROBERT ANSTRUTHER, Bart, M.P. for Fifeshire, examined.

1432. *The Chairman*.—You have paid great attention to the subject of our inquiry, have you not, and made it the subject of motions in the House of Commons?—I have.

1433. And you have taken considerable pains to acquaint yourself with the feeling of the country on the question?—Yes.

1434. Perhaps you will state what steps these were, and the general result of them?—I will, as shortly as I can. I had my attention drawn to the subject by reason of the enormous increased consumption of drink, and, as I conceive, the increase of the drinking habits of the country. I don't go the length of saying the actual drunkenness, although it may be shown that there is also an increase of that; but what struck me, as far as I could form an opinion on it, was the increased consumption of drink throughout the country as a whole. That first caused me to take an interest in this matter, and I brought in a bill as long ago as 1874 into the House of Commons which affected this matter. I was aided in that by Mr Dalrymple and the late Mr Fordyce, the member for East Aberdeenshire. The original bill was for placing the sale by retail of spirituous liquors in Scotland under legal control, and it embodied amongst other subjects clauses for the adoption of the Gothenburg system in Scotland.

1435. Had that bill reference to grocers' licences as well as publichouses?—It had. My only reason for taking up your time with that matter was to show how it ultimately came to be only a grocers' licensing bill, or practically so. When it came on for second reading in 1874 we had a discussion upon the Gothenburg system, which was a very interesting discussion, and the Home Secretary, Mr Cross, stated to me that if I was willing to take out of the bill all that related to the Gothenburg system, which he was not prepared to adopt, he would be willing to give me his assistance in passing the remaining clauses of the bill, which were very few—I think only four or five. I took out all the clauses to which the Home Secretary objected, and the bill as it then remained contained amongst other clauses this one: 'From and after the passing of this Act, it shall not be lawful for the licensing authority to grant to any grocer any certificate for a licence to include the sale by retail of spirituous liquors, unless such grocer shall hold a licence under the recited Acts at the time of the passing of this Act.' That went into the granting of no more grocers' licences excepting to the men who held them at the time of the Act. That bill did

not go any further, from causes with which I need not trouble you. I brought in the same or nearly the same bill in 1875-76. In 1876 I was not able to take charge of the bill myself, owing to ill health. After an interesting discussion in the House of Commons, kindly conducted for me by Mr Dalrymple, it was withdrawn. I re-introduced the bill in 1877 with some small alterations, but originally with the same clause which I have read to the Commission in it,—that is to say, preventing any licence being granted to those who had not them at present. It was then represented to us that it would be a great hardship on the public,—that grocers' shops as a whole were very well conducted and in the hands of respectable persons. And I should like to take this opportunity of saying that I have no fault to find with the way in which the large shops are conducted: I believe that in the main, both in the large towns and in the country, the respectable shops obey the law, and I don't think they are a fruitful source of crime; but there can be no doubt at all in my mind, and I venture to think there will be no doubt in the minds of the Commission at the termination of their inquiry, that amongst the lower class of shops the law is evaded,—that in point of fact those shops are licensed for consumption off the premises only, and that as a matter of fact a large amount of illicit drinking is conducted and takes place day by day in those shops. I think I may go further than that, and say that I believe that amongst the lower class of shops it is only the drink that gives a profit. When I say that of my own knowledge, of course I may perhaps seem to be speaking too certainly; but in the course of this summer I issued a number of circulars before the second reading of the bill came on in the House of Commons, to the chiefs of police and other persons in Scotland, from whom I thought I could get valuable information. (See App. C, p. 477.)

1436. Perhaps you will say who those persons were—as far as they were official?—I may hand in a copy of the questions to you, I sent to almost all the heads of police.

1437. Did you send to magistrates?—No; I think only to the police officers, and also to anybody who I thought could give me information, such as missionaries and others interested in the reforms of the law—persons, in short, whom I should term reformers, social reformers.

1438. Did you send any to the clergy?—No; I may here and there have sent to clergymen, but not to them as a body. I may say that they were sent out by me as a private person. I had no authority to ask them for any information. I should like if you would allow me here to take the opportunity of thanking those gentlemen who were kind enough to supply me with the information I received, and for their kindness in answering my questions, because I think their answers are very valuable. I don't know that I could venture to read all the answers to all the queries to the Commission—your time is too valuable for that; but if you will allow me, I shall read one or two of the answers as a sort of specimens, and then I will put the returns in.

1439. Are you prepared in the first place to state any general result?—Yes, I think I may. I have not put it down on paper, but I think the general result, so far as I am able to gather it, is to show that the present state of the law, at least as regards the smaller houses, is altogether unsatisfactory. I think I may say, speaking generally, that there is not a single one of those gentlemen from whom I have got returns (and they are all men of large knowledge in this department of their business)—there is not one who is entirely satisfied with the law. I think that perhaps the most favourable is my own chief constable in Fifeshire, whom you have had before you to-day; and as you have examined him here, I suppose it would be hardly worth while to read the answers he has sent me. He is not satisfied; but he is about the only chief constable in Scotland who is more satisfied than anybody else with the law. As a rule they seem to me to condemn it entirely. I think I may read as a specimen what the chief constable of Ayrshire says. The first question I

put was as follows: 'What, in your opinion, has been the effect of the present system of selling spirits in small quantities in open vessels by grocers in Scotland as regards the drinking habits and morals of the people; and is it or is it not advisable to continue the present system?' In answer to this question he says: 'The system gives opportunities to women and young persons to obtain spirits who would be ashamed to be seen going into a publichouse, which is taken advantage of to a deplorable extent. Much misery is caused by the encouragement and facilities given to the wives of working-men to obtain spirits without the knowledge of their husbands; it is well known that grocers will, at request, enter under the head of some grocery goods, spirits supplied on credit. It is very desirable the present system should be discontinued.' The superintendent of the burgh of Ayr, in answer to that same question states: 'The very worst effect. Of all licences (the grocer's) is the most objectionable. Should never have been. Too much facility for quiet or sly drinking, especially for women getting drink and marking it something else in their pass-books.' The second question I put was: 'Is the law evaded in many of the smaller and less respectable licensed grocers' shops or not; and as a matter of fact in many cases are not excisable liquors sold in these shops for consumption on, as well as off the premises?' The chief constable of the county replied: 'The law is evaded in many of the licensed grocers' shops, and this evasion of the law is not confined to the smaller shops. More than half the licensed grocers' shops are suspected of selling excisable liquor for consumption on the premises whenever they get the opportunity.' And the burgh superintendent states: 'The law is often, I may say systematically, evaded by drinking on the premises, and not easily detected; and the proportion is comparatively the whole of them.' The third question I put was: 'Whether in many of the lower class of licensed grocers' shops, it is or is not the case that the sale of groceries is in many cases made a pretext only for the sale of spirits, on the premises, and that to the sale of spirits the success and profits of the business is mainly owing?' The chief constable of the county replied: 'The stock of groceries in some of these shops is very small, and in many the success and profits of the business mainly depends on the sale of spirits.' And the superintendent of the burgh says: 'I would not say that the groceries are only and always a pretext for selling liquor. Nevertheless the success and profits are much, and often mainly, owing to the sale of liquor.' My fourth question was: 'Whether, in your opinion, an improvement might be anticipated were licensed grocers limited to the sale of spirits in quart bottles, corked and sealed, as in England, or even in pint bottles corked and sealed?' The chief constable replied: 'Yes, very great.' Secondly, the superintendent for the burgh said: 'It would certainly be an improvement if in quart bottles; but as to pint bottles, it would do no good.' I do not know that I need trouble you as to the remaining questions and answers. There are some answers from Forfarshire which, however, I think I might venture to read. In answer to the question which I have already read, the chief constable of the county of Forfar states: 'I am of opinion that the effect has been injurious, and tending to increase private drinking and drinking habits, as it is, I think, admitted that many respectable persons, women especially, go or send to the grocer for small quantities of spirits, which are consumed personally and privately, who would not go or send to the public-house.' The superintendent of the burgh says, in answer to the same question: 'The effect has been to increase tippling and drinking, and especially amongst working men's wives. It is not advisable to continue the present system. I have known quarrels between husbands and wives, the ground of which was the wives getting credit from their grocer, and goods entered into the pass-book, when in point of fact the goods got was whisky. There are tipplers who go to grocers' shops who would not be seen entering a publichouse—

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Edinburgh.

Sir Robert
Anderson.

EDINBURGH. 'the apparent reason being that they do not wish their neighbours to know they tittle.' In answer to the second question, as to the evasion of the law, the chief constable of the county states: 'It is a fact that many grocers allow the spirits to be consumed on the licensed premises. Speaking roughly, about a third do it very frequently, another third less frequently, and only to certain customers, and probably about a third not at all; but occasionally even the best houses are not free from some back-shop drinking.' The burgh chief constable answers: 'Yes, the total number in 1876-77 was 17. Of these two do not evade the law, fifteen do evade the law. In 1877-78 the total number was 20. There were three additional licences granted in April last, which only came in force at Whitsunday. I have not had experience of these three; but I am certain they cannot exist unless they do as the majority of their neighbours do—evade the law.' Then as to the quart bottle, the county chief constable says: 'I am of opinion that it would be an improvement to limit them to pint if not to quart bottles, corked and sealed, as I think, when the spirits were really required for family use, a pint bottle would not be a large quantity to provide, and it would tend to check the practice of drinking arising from getting it in gills and half gills, and even smaller quantities.' The burgh officer says in answer to the same question: 'I am of opinion an improvement may reasonably be expected. I am quite certain, however, a number of those licensed here would break the seals and go on as they are doing, as they could not live for want of trade. There are too many licences here. There is a licensed house for every 162 of the population. That is including inns, publichouses, and grocers.'

1440. It would be impossible to go through those in detail, but I think you have stated that the general effect was very much according to these illustrations?—Yes, certainly. The only one, as I stated, who seemed to be doubtful was Captain Bremner. I shall not read to you what he said. I shall put in the whole of the answers. They are very valuable, and afford a great deal of information.

1441. What was the number of persons to whom you addressed those questions?—The number of answers I got was fifty-five—I sent out eighty or ninety requests.

1442. Did the answers come from all parts of Scotland?—Yes; from Thurso down to Wigtonshire.

1443. According to the opinion formed from those sources of information, what is it that you recommend with regard to the existing law?—What I would prefer myself—speaking for my own private opinion—is that we should try first of all at all events to prevent the sale of small quantities of the spirit in the open vessel. I believe, and I am aware, that there is a large and increasing body of opinion forming against the grocers' licences altogether. I cannot say that this is my own opinion, because I do not think that amongst the larger shops the law is evaded, and they are a great convenience to the public.

1444. You say you are satisfied that the power of the respectable class of grocers under proper restrictions to sell spirits could not be withdrawn without causing inconvenience to the public?—Yes.

1445. Then you think that under proper restrictions grocers ought to be allowed to sell spirits?—I think so.

1446. How do you think the convenience of the public demands that?—I think there are many people who prefer to deal with the grocer rather than go to the publichouse.

1447. That is people who have a legitimate desire for spirits, and who require them?—There is a want of it for family use, for instance.

1448. You mean people who require the use of spirits?—Yes, for family consumption.

1449. And you think that they can more conveniently resort to the grocer's than to the publichouse?—I think they prefer to do so.

1450. And you do not think it is unfair that they should have the opportunity of buying spirits at their provision dealers?—I do not think so. There are a

great many arguments to be made against spirits being sold at all in the same shop with those other necessities of life; but I think that if the trade was under proper control a large amount of the evil of the present system would be removed.

1451. But you yourself, having regard to the convenience of the public, are not prepared to recommend the total withdrawal of the grocers' licences?—No, I am not.

1452. In what way do you think the grocers should be restricted?—What I should like to see is the grocer restricted, as I proposed in my bill of 1877, by some clause to the following effect:—'From and after the passing of this Act it shall not be lawful for any grocer being a licence-holder to sell a less quantity of spirits at any one time than the contents of a reputed quart bottle, being one-sixth part of a gallon, to be contained in a bottle which at the time of such sale shall be properly corked and sealed; and if any such grocer shall act in the contrary hereof, he shall be deemed to have committed a breach of certificate, and shall be liable to the procedure and penalties applicable thereto provided by the recited Acts; provided that nothing herein contained shall apply to dealers in excisable liquors only holding certificates and licences under the recited Acts.' Then I would put them under police supervision. Judging from the returns which I have read, and which I have put in, I think, in point of fact, the police have no supervision.

1453. It has been represented that if the sale be restricted to the quart the result would be that many people who do not require so much will buy it, and that it will in this way increase the consumption. For instance, if they were allowed to buy a pint, a pint would do; but as they can only buy a quart, and that can be bought for half-a-crown, they would get so much more, and this would increase their drinking more than would otherwise be the case?—I have had that argument put before me several times. It comes to this, that if there are persons who cannot have a bottle of whisky without drinking, I suppose no restriction on grocers or any others will prevent them from exceeding a proper limit. But looking to my object in fixing the bottle, I think it is immaterial whether it should be a pint or a quart. For myself I prefer the larger quantity, so as to prevent the practical evasion of the law by the sale of the small quantity of spirit in the open vessel.

1454. You would think it immaterial, provided it is sold in a bottle regularly corked and sealed, whether it was a quart or a pint?—I prefer the quart, because I think it would not be so easily bought by people clubbing together—what they call in Sweden "salning"—drinking at the corner. I have reason to believe that the grocers would be satisfied with the pint.

1455. Will you now speak to the point of police supervision?—I see that the Commission has had a good deal of evidence more valuable than my own upon that point. I would only call the attention of the Commission to the fact that whereas in the certificate attached to 25 and 26 Vict. cap. 35 (that is the Act of 1862) states that 'no grocer shall sell or supply excisable liquors to persons who are in a state of intoxication; or to girls or boys apparently under fourteen years of age,' yet as a matter of fact these boys and girls are held in law to be the messengers of their parents or others. That I think was decided in 1875. As a fact, therefore, drink is supplied to the smallest children in open vessels—a thing which appears to me to be very unwholesome.

1456. *Sheriff Crichton*.—And you think that should be remedied by statute, do you not?—Yes.

1457. Would you put a grocer under the same supervision as the publichouse keeper?—Yes. The Commission are quite aware of the state of the law: the police officer cannot enter a grocer's shop unless he has reasonable cause to believe that a breach of the law is being committed. Now, as he can have no reasonable cause to believe until he goes in, it appears to me to come to this, that the grocers have no inspection.

1458. *The Chairman*.—We have it in evidence that in some towns the windows are so blinded that the

people from the outside cannot see what goes on in the inside?—I believe that is so.

1459. Have you anything to say in respect of the hours?—I think, as I understand the law, they are not entitled to open for the sale of drink between the hours of 11 at night and 8 in the morning; yet the shops are practically open at 6 o'clock in the morning.

1460. For ordinary business?—Yes, and it is almost too much to believe that the grocer will open his shop for ordinary business and will not also open it for the sale of drink.

1461. That is especially where he is living mainly by the sale of drink?—Yes.

1462. *Sheriff Crichton*.—Then would you restrict the sale of the other commodities to the same hours as those to which the sale of drink is restricted?—Yes.

1463. *The Chairman*.—Would you think it desirable that there should be a minimum fixed by statute of the value of the house to which the licence should be given?—Yes, it is very desirable. I have reason to believe it was recommended by a committee of the House of Commons a good many years ago.

1464. *Sheriff Crichton*.—That was in 1846?—Perhaps so.

1465. *The Chairman*.—But that was in respect of publichouses, was it not?—Yes, but there were no grocers' licences then.

1466. It was also recommended by the Commission of 1860, was it not?—Yes.

1467. *Sheriff Crichton*.—It was a recommendation of the then Committee of the House of Commons that each local committee should fix the minimum rent of the house: would you leave that in the hands of the committee, or would you have it fixed by statute?—I think it is better that it should be left to local authorities, who know the value of houses best.

1468. Some people have said that this fixed rent should be varied according to the population: now would you fix it by Act of Parliament or leave it in the hands of the licensing authorities?—I think it would be best left to the local or licensing authorities.

1469. *The Chairman*.—If in some towns licences had been given very freely to poor houses, and with little reference to the effects of numerous licences, would that not show that the licensing authority could not be trusted?—I should be loath to say that the licensing authority could not be trusted. If it was indicated to them by Act of Parliament that Parliament did not wish those licences to be held by shops which were below a certain minimum value, and if Parliament allowed the licensing authority to increase that value, then I think some good would be done, and the local authority might be trusted.

1470. You think perhaps that if it was laid down by Act of Parliament that the licensing authority of each place should fix a minimum limit, that would be such an indication to the local authority as would produce the desired effect?—I think it would.

1471. Then you do not look on it as a large and difficult question?—No. It is only fair to say, however, that I know that in England they are far from being satisfied with their state of the law, although they are there restricted to the quart bottle.

1472. Yes, but in England the state of the law is that the magistrates have no voice in the licensing of grocers whatever: it is done by the Excise?—Yes, but I mention that merely to show that it does not follow that if we assimilated our law to the law of England it would be found to be wholly satisfactory.

1473. But it is true, is it not, that the magistrates in England at present have no control over these grocers' licences of which they disapprove?—I believe that is so.

1474. Is there anything else you would like to say?—No.

1475. *Sheriff Crichton*.—Have you any view with regard to dwelling-houses being separated from the grocers' places of business? It has been suggested to us that the grocers' shops should not be licensed where there was any connection with their dwelling-houses?—I do not think I have any view on that point.

1476. *Mr M'Lagan*.—You stated that you did not approve of doing away with grocers' licences because there are many respectable people who would like to get their wine, spirits, &c., from their grocer instead of going to the publichouse. Have they not an opportunity of doing that at present in towns without going to the grocer or the publichouse?—Can they not get their wine and spirits from the wine merchant?—Yes.

1477. And from spirit dealers?—Yes.

1478. Then suppose you were separating the sale of provisions and groceries from the sale of intoxicating liquors, and that more numerous licences were given to spirit dealers, would you approve of that in preference to continuing the present system?—I think that it would remove a great part of the present evil.

1479. Is it not a fact that at the present time it is unfair to the wine merchants and spirit dealers that grocers should have an opportunity of selling groceries while they—the wine merchants—have not that opportunity?—It is no doubt against the wine merchants, and handicaps them.

1480. It would be a fair way of putting it, would it not, that there should be a thorough separation of the sale of spirituous liquors from the sale of groceries, and that licences should be given to a separate trade altogether?—Yes, I think it would.

1481. And that would be as much for the convenience of the public?—Certainly.

1482. Do you think it would be productive of as much evil as grocers' licences are supposed to produce?—No.

1483. Then you think on the whole that would be a better system?—Yes.

1484. We had it in evidence by Mr M'Laren that it would be better to allow the sale of beer, wine, and groceries, and to give licences to spirit dealers and others for the sale of spirits. Would you approve of that in preference to what you have suggested yourself at the present time?—Do you mean to permit the sale of beer and wine by grocers?—Yes; I think it would be an advantage.

1485. And preferable to what you recommend?—Yes, I think it would.

1486. *Mr Ferguson*.—Have you had your attention called to the evils arising from working men's wives and servants going for the purchase of groceries, and being led into purchasing spirits in grocers' shops?—I cannot speak of my own knowledge. As far as my information goes—information obtained from those returns which I have handed in—I think there is a great evil connected with it.

1487. Do you think that evil could be thoroughly met by complete separation of the spirit trade from the grocery trade?—Perhaps hardly.

1488. I have a number of questions to put to you on behalf of the trade. You have stated that the larger grocers do not evade the law: what do you mean by the larger grocers, and where do you draw the line?—It is not very easy to answer that, but I mean the more respectable shops in the larger streets. I think that answer of mine is borne out by the evidence which has come before me. In Forfar they say that a third evades the law habitually. I should not call that third the larger shops. A third more evades the law occasionally. They would come into the second class of grocers, probably. It is not very easy, however, to define what a large house is when compared with a small.

1489. If, as you state, the small licensed grocers make a profit on their liquor only, how are there so many small unlicensed grocers carrying on business?—I was not aware there was a large number carrying on business.

1490. Does not this show that it is a fallacy to assume as a matter of necessary consequence that the small licensed grocer cannot but evade the law or else sell an undue proportion of spirits to the groceries he sells?—I cannot speak of my own knowledge on the subject; but information given to me shows that in a large number of instances it is only the drink that makes the profit to the shop.

1491. The deputations and others who supported your bills were tectotallers, good templars, and members of

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temperance associations, that is to say, the bulk of opinions were got from those classes: 'is that so?—I think it was, I think it was got from those who were interested in the reform of the law. Many of them desired to go much further than I am prepared to go; but they were all interested in the reform of the existing law.

1492. *Mr Ferguson*.—When you speak of preferring a quart, you only mean, do you not, that the liquor should be sent out in quantities of a quart, and not to confine grocers to keeping it in quarts?—I mean only that they should send it out in the fixed bottle.

1493. So that a person might come with a quart bottle and get it filled from the cask, and have it corked and sealed. That would not, according to your view, be an infringement of the law?—No.

1494. *The Chairman*.—In the case of persons not requiring so much as a quart of whisky or brandy, how would they get the smaller quantity if the grocers were not allowed to supply them?—They must of course get it at the publichouse.

1495. Would not the restriction operate hardly on the poor when they require the liquor for medicinal purposes?—Yes, to that extent it would; they would have to buy it at the publichouse.

1496. In advocating the assimilation of the Scotch law to the English law in regard to the quart bottle, are you keeping in view that in England the national beverage is beer, while in Scotland it is whisky?—I am.

1497. *Mr McLagan*.—You were at a loss to say what you considered a large or a small grocer: would you not be regulated by the rent of the house which the grocer would pay?—It would be easy to say what was a large one if there was any fixed sum.

1498. You would, as I understand you, reduce the number of small grocers' licences?—I am given to understand that if there was a fixed quantity—say a quart bottle—below which one might not sell, in point of fact all the worst houses would fall out of the trade.

1499. The question was put about the unlicensed grocers: How is it that the unlicensed grocers are able to live at all if it is true that the small licensed grocers subsist mainly by selling spirits? Are you aware how many unlicensed grocers there are in Edinburgh, for instance?—I am not aware of my own knowledge. I have had a paper handed in to me saying that there are 80.

1500. Are you aware of the number of licensed grocers?—No.

1501. I show you a parliamentary paper by Mr McLaren, 266, 14th June 1877.—From this it would appear that there were in Edinburgh in 1876, 47 hotels, 347 publichouses, and 485 licensed grocers—as against 80 who are unlicensed.

1502. Did any of the returns you got from the chief constables allude at all to the unlicensed grocers being under the necessity sometimes of evading the law by selling spirits on the premises, even without a licence?—No, I don't think that came out in my returns. I did not ask any question on that subject. I was not aware that they did offend in that way.

Forbes Mackenzie Act in Edinburgh, and I believe throughout Scotland, were very satisfactory. There was a reduction in the consumption of spirits during the ten years after the passing of that Act—that is from 1853 to 1864, there was a diminution in the consumption from 6,009,341 gallons to 4,769,150. The Act came into operation in 1854.

1508. Did you give evidence before the Commission of 1860?—No.

1509. Are you able to follow up the statement you have now given with respect to the period of ten years from 1864?—No. I can give the figures in regard to the consumption of intoxicating liquors for the last ten years—that is for the ten years ending 1876. The figures are as follow:—1867, 5,202,714; 1868, 5,452,261; 1869, 4,781,390; 1870, 5,026,551; 1871, 5,364,003; 1872, 5,801,773; 1873, 6,610,059; 1874, 6,910,159; 1875, 6,990,170; 1876, 6,856,534. So that we find in 1867, that is ten years ago, the consumption of spirits in Scotland was at the rate of 1½ gallons per head of the population, while in 1876 the consumption was at the rate of 2½ gallons per head of the population of Scotland.

1510. Whereas it appeared by the report of the Commission of 1860, as well as by the figures now given, that there had been a continuous diminution in the quantity of spirits consumed in Scotland for ten years following the passing of the Act of 1853, it appears now that that process has been reversed, and that the amount consumed has largely increased?—Yes; that is precisely my position.

1511. From what tables are those figures derived?—From the report of the Commissioners of Inland Revenue. Then I should like to say, as it is a question on which we have had some diversity of opinion, that we find—and it is somewhat remarkable, though not surprising to those who have been looking at this question—that there was a corresponding decrease, or at least a diminution, in the cases of drunkenness during the first ten years of the operation of the Forbes Mackenzie Act, and that there has been a large increase during the last ten years, in which the increase of the consumption has been manifest.

1512. Are you now speaking of the city of Edinburgh or of Scotland?—Of the city of Edinburgh. Unfortunately we have no uniform statistics of the drunken cases in Scotland as we have in England and Wales,—each superintendent of police appears to get up the returns according to his own notion, so that we cannot give accurately the number of drunken cases in Scotland as can be done in the cases of England and Wales. We have nevertheless in Edinburgh the material for getting at what I would say is the extent of drunkenness. If we consider it as being a town where the largely educated classes live, and where there are endless appliances to counteract drunkenness and social evils, we may, I think, take it as a fair illustration of the extent of drunkenness throughout Scotland.

1513. You don't suggest, do you, that simultaneously with this increased consumption in Scotland there has been an increase of the number of persons found drunk in the city of Edinburgh?—Certainly.

1514. But in the return put in by the licensing department of the town clerk's office, it is stated that the number of persons found drunk and incapable in the streets has certainly increased as compared with what it was nine years ago, but that it has largely decreased as compared with what it was twenty years ago and in the years following?—I have here Mr Linton's report, which I have no doubt is thoroughly correct, and I have prepared in tabular form the number of drunken commitments, knowing that it was a question on which there is a considerable diversity of opinion. I have taken the number of drunken commitments by the Edinburgh police for the five years ending 1876; and I have constructed this return precisely as Mr Linton's returns are constructed. I first give the number of drunk and incapables, and then I also give the number of persons charged with offences who were drunk when apprehended. The table is as follows:—

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26. Mr DAVID LEWIS, examined.

1503. *The Chairman*.—You were formerly a bailie of the city of Edinburgh, were you not?—Yes.

1504. And you are now Treasurer of Heriot's Hospital?—Yes.

1505. How long were you a magistrate of Edinburgh?—For five years.

1506. During that time you paid special attention to the licensing system in the city, did you not?—I did.

1507. I believe you would like to say something first with regard to the results of the legislation of 1853—the Forbes Mackenzie Act?—Yes. The results of the

Year.	Drunk and incapable.	Charged with offences, and drunk when apprehended.	Total.
1872	1789	3528	5317
1873	2058	3741	5799
1874	2271	4443	6714
1875	2152	4672	6824
1876	2911	4803	7114

So that during the last five years the drunken commitments have increased 33 per cent., while the population has increased only 5 per cent.

1515. You also recognise that this increase on the last five years—you might say the last ten years continuously—does not bring this class of offence to what it was twenty years ago?—Certainly not. We find that before the passing of the Forbes Mackenzie Act there was an immense number of drunk and incapables. When the Act of 1862 came into operation—when drunkards were for the first time brought up and punished for being drunk and incapable—we found that it had a most salutary effect. At the same time it must be stated that during the last year, 1876, there were more cases of persons drunk who were charged with crimes and offences than had ever been the case during the entire history of the city of Edinburgh.

1516. At all events it would appear that we are retrograding?—Yes. I would like to state here that in dealing with this return it must be noted that in the aggregate number of cases the same individual may frequently appear; but it should not be forgotten that a large number of drunken people escape altogether, coming neither under the head of the incapable, disorderly, or criminal. It is not a police offence for an individual to be drunk on the street if he is not incapable; and even although he is incapable, if he is in charge of friends or acquaintances, he is not apprehended, and does not fall under this category.

1517. You were, I think, to particularise the increase with regard to female drunkenness, were you not?—Yes. That is to my mind the most deplorable feature in connection with the recent increase of drunkenness in the city. I have here prepared a return also from Mr Linton's authoritative tables, and constructed precisely in the same way, showing the increase in this department. The figures are as follows:—

Year.	Drunk and incapable.	Charged with offences, and drunk when apprehended.	Total.
1872	648	1389	2037
1873	710	1554	2264
1874	795	1938	2733
1875	789	1959	2748
1876	845	1944	2789

So that during the last five years the female drunken commitments have increased 36 per cent., while the population has increased 5 per cent. I have also here a supplementary note of the number of females apprehended while drunk and incapable with infants in charge, thus:—1872, 49; 1873, 70; 1874, 62; 1875, 86, 1876, 93; or an increase of 89 per cent. on the five years.

1518. Are you prepared to express an opinion on the cause of this alarming state of things?—I have looked at that very narrowly. I think the prominent cause has been the material prosperity of the country, when wages have been higher, and when the means of getting drink has been largely increased. A reference to the police registers would indicate to an intelligent person whether trade had been brisk or depressed in the city; in short, I could tell by reference to those registers whether it was a large pay or a small pay. With these facts standing out prominently before me, I am forced to the conclusion that this is one of the principal causes of the increase of drinking and drunkenness.

1519. These general figures are certainly not foreign to our inquiry; but our business is with a certain class

of licensed houses, as you must know. Can you ascribe to the sale of spirits by grocers any principal share of this extended use of spirits?—So far as my experience goes, I should say that the publichouses are the chief factors of drunkenness among males; but certainly licensed grocers' shops are the principal factors of drunkenness among females.

1520. Could you make that good by facts within your knowledge?—I have certainly used every means that a magistrate or one interested in the social condition of the people could use, and that is by conversation with those unfortunate females themselves—to whom I have talked by the score in their own houses, and by the score in police cells and in the prison. I have used every means to ascertain the causes of their leaving the path of sobriety and becoming dissipated. I have found that there are three principal reasons. The first of these is that they have acquired for the first time the taste for drink by attending places of entertainment and amusement, such as dancing saloons and concerts, before they had got married. A considerable number of them have acquired habits of drinking as servants—drink being occasionally and frequently distributed among the servants by their employers. But I find that a large proportion of them don't hesitate to state that when they became married women the facilities with which liquor was got in grocers' shops when they went there for their groceries was a source of great temptation, by which many of them were led into habits of drinking and drunkenness. I have further evidence, not because I have asked it, but because I have been told it by the grocers who have given up the trade, and by apprentice lads who have learned their business as licensed grocers, and who on their apprenticeship being completed have applied to me with the view of my endeavouring to get them some other means of employment, because of the deteriorating influence of the sale of liquors. I have thus been told of the deteriorating influence of the sale of liquor in grocers' shops on females and children.

1521. You have satisfied yourself by the information you have received that drinking habits are largely stimulated among women by the facility with which they can acquire spirits at the grocers'?—Unquestionably.

1522. Don't you think they would get them at the publichouse if not at the grocer's?—I have no doubt that where the drink crave had been confirmed they would go directly to the publichouse. I believe a drunken woman would put herself to any inconvenience—go to any place under heaven—to get intoxicating liquor where it was possible for her to get it; but at the same time I believe that where the habit has not been acquired, a separation of the traffic in liquors from the traffic in groceries would act in a most salutary manner in preventing the formation and increase of drunken habits.

1523. In your experience as a licensing magistrate, do you believe that many of the grocers live mainly by the sale of spirits?—I do. Certainly they live mainly by that if their own statements are to be believed. I had one of them within the last ten days waiting on me to sign some papers as a justice of the peace, and our conversation turned upon this question; and the man told me that he could not keep his shop open at all unless it was to sell liquor; and then he contended: 'If you were to doubt that, if you were in my place you would on Saturday see people coming in for a pennyworth of tea and a pennyworth of sugar and a gill of whisky.'

1524. It has been suggested by some that no one should be licensed as a grocer to sell spirits unless he has served an apprenticeship to the trade: would you think that was a beneficial provision?—I certainly think that no one should enter into the grocery trade—of course including the spirit trade—unless he has served a proper apprenticeship to it.

1525. Parliament could hardly of course say that, with regard to any trade, no man should enter it unless he had served an apprenticeship; but with regard to the sale of spirits, do you think Parliament might make a limitation in this way?—I certainly do think it would

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EDINBURGH. be beyond the province of Parliament to interfere with ordinary trades; but as the liquor trade is so thoroughly exceptional, I think Parliament has a perfect right to interfere, and to say who is to sell spirits and who is not.

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1526. And it is your opinion that many persons are only grocers for the sake of selling spirits?—Unquestionably. I have been told by dozens—scores of licensed grocers in the city—that were it not for the spirit trade they certainly could not live and pay their rents or make a living; and I don't think that statement will be called in question by any member in the trade.

1527. Has your attention been called to the difficulties that are found in the way of obtaining convictions?—Yes, it has. As a magistrate this was a matter in which I took a special interest, because I felt from the popular sentiment that prevailed on the question of supervision, that the convictions were exceedingly few. I found three difficulties in the way of convictions. One of the reasons is, I think, to be found in the unsatisfactory character of the law. I am of opinion that wherever liquor is sold, the police should have free access to the house. Certainly they should have access to licensed grocers the same as into publichouses and hotels: I don't see why they should be privileged to go into any hotel, and at the same time prevented from going into a licensed grocer's. This is an amendment of the law which is very loudly called for. Another obstacle is the great difficulty we have in getting evidence. I apprehend the Commission will have considerable difficulty in getting very clear evidence; and for this reason, that the parties who can give evidence are partners in the guilt of violating the law, and it is almost invariably at their solicitation that the contravention takes place. Hence you will at once see the difficulty we have of obtaining evidence for the conviction of offenders. Then there is a most painful feature in the case—the unscrupulous defences that are got up by the parties who are accused. We find that when parties are charged with contravening the liquor statutes, we may have one, two, or three policemen giving evidence in support of the prosecution; while on the other hand the accused parties will bring in evidence to state directly the opposite of what has been stated by the police. I know the gravity of the statement I am about to make, but it is capable of proof, that there are cases where this has led to direct perjury. I make that statement advisedly.

1528. Do you mean cases you have yourself noticed?—Yes. I have one case before me at this moment where a licensed grocer was known notoriously to violate the law. He had been convicted, and the officers were sent to watch one morning. It was the winter time, and he was found there lighting up his gas, when a person went in. The detectives watched and saw that this man went in and got a gill into a tumbler. They rushed in while he was drinking it, but he tossed the tumbler into a corner where some coal was lying, and the tumbler broke. Fortunately, however, for the law, the tumbler fell on its bottom, and there was a quantity of liquor in it, which the detectives tasted and found to be whisky. This was evidence of the most conclusive kind to my mind. It happened to be my duty to be on the bench when the case came up for trial, and I was about to dispose of it, when the licensed grocer said he had a defence to make, and he put the man who, it was alleged, had purchased the drink into the box; and that man there swore that he never had any liquor, and that the statement which the police had made was altogether untrue.

1529. There was no doubt, I suppose, that the liquor found in the corner had not been consumed?—No; but he swore he had not got the liquor—that he had drunk none, and that the statement of the officers was altogether untrue. The result was that I felt it to be my duty to detain him in custody until all the other cases were disposed of. He was then called up and told that this was a much graver question than the selling of a gill of whisky, because if his statement was true, then the officers who had given their evidence must be dismissed; and not only that, but they would

require to go before a court on a charge of perjury. I asked him, was he prepared for that issue? Latterly he broke down, and admitted that the whole of his statement was untrue, and that he had been engaged by the licensed grocer to make it. I inflicted the maximum penalty on the licensed grocer, and sent his witness thirty days to prison for prevarication. On looking to the evidence given to the House of Lords last session by Mr Jackson, the superintendent of police of Sheffield, I find that his testimony is equally conclusive on this subject.

1530. What are the remedies which on the whole you would suggest?—It is extremely difficult to suggest remedies to meet such features of the case; but I think if there were more powers given to the police, and if the hours were shortened, and if several other minor improvements were introduced, much good would accrue. But I am persuaded that the only alteration worth recommending to this Commission is the total separation of the sale of intoxicating liquor from the sale of groceries.

1531. *Sheriff Crichton*.—You mean intoxicating liquor of all kinds?—Yes.

1532. You don't confine that to spirits alone?—Certainly not. I would further suggest that there should be a withdrawal of licences from confectioners, and the abolition of all those special licenses for places of amusement and entertainment that are being, in my opinion, far too freely granted.

1533. *The Chairman*.—Then in fact you suggest that the publichouse should be the only licence?—Yes, if we are to have the system of licences to go on at all; but I would have an immediate and total separation of the sale of groceries from that of liquors.

1534. How would people buy wines and spirits who wished to have them in their own houses?—I presume if they wished to have them, they could be obtained at the publichouse.

1535. *Mr Ferguson*.—Could the wine merchants not supply them?—Certainly.

1536. Or the spirit dealers?—Yes, they could also; we have already a number of spirit merchants who are neither publichouse keepers nor licensed grocers.

1537. *Sheriff Crichton*.—But they sell under the publichouse certificate, do they not?—Yes.

1538. *The Chairman*.—You want to take away the power to sell light wines from confectioners also, do you not?—Yes.

1539. Even light clarets?—Yes. I think it is a most dangerous principle to associate the sale of intoxicating liquors with groceries, bread, or confections.

1540. You can hardly call Gladstone claret intoxicating liquor, for instance?—I don't know, but I know the effects of the Gladstone wine bill, and I believe it was a great mistake. I believe the consumption of light wines tends very much to create an appetite for stronger liquors, and I know—I am stating what is the effect of that bill—that in five years it more than doubled the consumption of wine in the country, and there was also an enormous increase in the consumption of every other intoxicating liquor. We had the same principle in operation before. After the passing of the Duke of Wellington's Beer Bill in 1830, the increased consumption of ales was very great. For ten years previous to the time when the operation of that measure commenced, the consumption of spirits in England and Wales was 57,970,963 gallons; at the termination of five years after the passing of the bill of 1830, the consumption had increased to 76,797,365 gallons. I am therefore one of those who associate the use of beer and wines with the tendency to create a craving among people for stronger liquors.

1541. *Mr Ferguson*.—Can you give us any instances of that, of your own knowledge?—I know endless cases where men and women have commenced drinking what they conceived to be harmless liquors such as ale, and it has led on most certainly to a craving and demand for stronger liquor, and they have terminated with whisky drinking.

1542. *Mr McLagan*.—May that not be owing to the

adulteration of beer?—No. I think the tendency of alcohol is to increase the thirst of the drinker, and that there is no power can prevent that. That is the conclusion at which I have arrived after a long and careful study of this question.

1543. You spoke of a grocer who told you that the wives of men on certain occasions came and got a penny-worth of tea and sugar and a glass of whisky: can you give us the name of the grocer?—I can give it privately.

1544. *Mr Ferguson*.—Can you tell us if there is any complaint as to beer sold in those places being adulterated so as to produce the effect of stimulating a craving for something more, for I know that that is very common in some places?—We often hear that where drunkenness is produced, it is aggravated by adulteration.

1545. You mean adulteration of beer?—Both beer and spirits. I hear that statement very frequently made, but how far there is any truth in it, I cannot say.

1546. *Sheriff Crichton*.—You don't know of your own knowledge about that?—No, and I have no means of judging of it.

1547. *Mr Ferguson*.—Is there an analyst for beer for the city of Edinburgh?—No, I think not.

1548. *Mr McLagan*.—There is an analyst for the purpose of seeing after adulteration, is there not?—Yes, general adulteration, and I have no doubt, according to the late Act itself, that if the authorities or any one else were handing in beer to the analyst, they could have it analyzed at once.

1549. Suppose you abolished all grocers' licences, would not that increase the value of the publichouse licences to an enormous extent?—I am sure it would, and that is one of the great difficulties. In all such agitations as this the effect is to create a monopoly. In Edinburgh, as you will perceive by the returns, from the strong pressure of public opinion on the magistrates, they have been constrained to keep down the licences; but the tendency at the same time has been to create a huge monopoly, which would be very difficult to fight in the interests of sobriety and social order.

1550. You would be farther from accomplishing your purpose as a testotaller by so doing; you will have a stronger opposition against you of men who from their circumstances will be able to bring a tremendous power against you?—While we have reduced very largely the number of publichouse licences, I am certain of this, that if you take the proportion of them to the increase of population, the reduction is no test, because although you may put down half-a-dozen small ones—and it is always the small ones which go first, because there is less money at their bank account, and less of social and religious influences at the back of the occupants of them—yet you have immense shops opened, where as much mischief is done as in half-a-dozen of the smaller ones. I wish it to be known, that I am fully aware that the reduction of the number of small houses has been followed by an increase of the temptative powers and accommodation of those that remain, and has tended to create a formidable monopoly in the trade.

1551. And yet you are in favour of the reduction of them?—I have always been in favour of removing the centres of temptation. Every publichouse is a centre of temptation. I have at the same time always been advocating watchfulness that those which remain are not to be allowed to increase their accommodation and temptative power.

1552. How can you secure the object you desire in regard to that matter?—It can only be secured by pressure being put on the magistrates. Unfortunately, the magistrates generally take a very different view. I know I am in the minority here. The magistrates have got the idea that the larger the house, the greater the capitalist, and the greater the social influence he has, and that consequently it is an improvement. We have in Edinburgh at present publichouses which contain 150 and 200 and 250 individuals, and sometimes on Saturday they are crowded; and I submit that one of these would do more to deteriorate and to dissipate the people than a dozen of the smaller ones which are being systematically suppressed.

1553. *Mr Ferguson*.—But if a man has a licence for a house, you cannot prevent him from enlarging it?—Certainly; no man who holds a licence can alter his premises or extend them in any way without coming up to the magistrates and obtaining their consent to the alteration or extension.

1554. Are you aware that at one time the magistrates of Liverpool adopted a system of absolute free trade in granting licences?—Yes.

1555. Can you state the result?—There is a diversity of opinion as to the result. In the evidence that has been given before the House of Lords some contend that it was an improvement, while others contend as strongly that it was not. Not being resident in Liverpool, and unwilling to give any evidence unless it is the result of personal knowledge, I would rather not express an opinion on that matter.

1556. You don't know whether it was the case or not that they very speedily stopped that plan of free trade in licences, and went back to the old system?—I believe that was so.

1557. *The Chairman*.—I have some questions to ask you, originating from the opponents of the system. First, are you aware whether co-operative stores are generally unlicensed?—They are very generally unlicensed. This is also a question to which I have given some little attention, and my conviction is that it would be found (if the Commissioners can possibly undertake it) that in those towns where the working people are largely supplied with their groceries from co-operative stores, there is a diminution in female drunkenness.

1558. Is it within your knowledge whether or not working men to whom these stores belong disapprove of their selling spirits?—Certainly they do. I might state here that I have a return from two towns with which I am very familiar, where large numbers of the working people get their groceries from the stores—those towns are Hawick and Kilmarnock. I have, through the kindness of the superintendents of police, got the returns of female drunkenness in those towns. I find, for example, that in Hawick, where there is a population of 11,356, there was a total of drunken commitments for the five years ending 1876 of 1436. Of that number 342 were females, so that the female drunken cases represent 23 per cent. of the total. In Kilmarnock, where there is a population of 22,963, there were during the same five years 4972 drunken cases, and of these 1156 were the cases of females, so that (and it is a strange coincidence) females again represent 23 per cent. of the total; while in Edinburgh females represent 39 per cent. of the total of drunken cases. I apprehend also that inquiry would disclose the most interesting and important fact that that is largely to be accounted for by the fact of no sale of intoxicating liquors in the stores referred to.

1559. Have working men complained to you that their wives have formed an appetite for drinking by getting drink at the grocer's?—I have in numberless instances been waited upon by working men asking advice with regard to their wives, who have got dissipated; and they have told me that they formed their habits of drinking in connection with grocers' shops; by the dozen they have told me that the facilities and inducements and temptations of the licensed grocer are overwhelming in contributing to their drinking habits.

1560. Do you believe that if liquor was sold in quart bottles by grocers, it would lead very materially to home drinking, as the working man cannot be trusted with such quantities as a quart?—That working men could not be trusted, generally speaking, I do not believe: we have hundreds and thousands of working men in Edinburgh who could be safely trusted with any quantity of liquor from the beginning of the week to the end of it. At the same time I feel bound to say that I believe limiting the quantity sold to quart bottles would in all probability lead to an increase in domestic drinking. I fear that those who sold the quart bottles or the pint bottles would be induced to sell at a less profit than those who were selling it in small quantities and in open vessels, and that thus we would have combinations amongst working men's wives in the same

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David Lewis.

tenements or on the same stair-heads to obtain liquor. I was confirmed in this opinion by visiting Sweden some years ago, and making inquiry into the drinking habits of the people. I found there considerable numbers of liquor shops where the selling of spirits was prohibited in less than three quart bottles. In looking at those shops, I found that from morning to night there were one or two standing about until the proper number came, so that they might all join, and contribute a share to the purchasing of the three bottles. I saw them by the hundred going in and coming out and dispensing the three bottles, and then going away to drink them. I very much fear we would have this system introduced into this country. It became so bad in Gothenburg that they had to apply to the Diet at Stockholm for special legislation on the subject. I fear that we may be beset with the same difficulties.

1561. Are you aware that grocers have been granted licences in Edinburgh to any extent where publichouse licences were applied for and refused?—I am not aware; I think there have been some such cases, but the number is very inconsiderable. I fear there is a misapprehension existing in the minds of some in regard to that point—that to do so would be stepping beyond the powers of the magistrate. As I understand the Act, the magistrate has perfect power to do so.

1562. I am now requested to put some questions to you, as I understand on behalf of the licensed grocers. First, have many women told you that owing to the facilities for getting drink at the grocers exclusively they have become drunkards?—Yes; numbers of women have told me, on inquiring how the habit originated, that it was in virtue of their first getting liquor at the licensed grocers that they acquired the habit; that thus they had facilities and never ending temptations in going for groceries and provisions; and that in consequence of these temptations they were led to continue in drinking. Very considerable numbers of women have told me so.

1563. Do you not believe that there are many of the working-classes who make use of the grocer's licence for obtaining supplies of liquor, and who are not yet drunken in their habits?—I have no doubt there are hundreds and thousands of them.

1564. Your inquiries have not been confined to those who are of drunken habits, have they?—Certainly not.

1565. Then I am requested to ask you, really if you could effect it, would you not prefer to have drink sold by nobody?—I am rather glad that that question has

been put, and I would just state that while the suggestions that I have made might, if they were carried out, tend to mitigate or modify the evil, still after thirty years' close and patient study of this question, I give it as my deliberate and mature conviction that the drink problem can never be satisfactory solved but by the prohibition of the entire traffic.

1566. You don't disguise the fact that you are only striking a blow at one branch of the trade?—Certainly not: it is one of the greatest ambitions of my life to seek to rid my country of this licensed curse.

1567. Is it the fact that the grocer who lost the licence to whom you referred before has got it back from the magistrates?—Not to my knowledge; I referred to the books within the last few days, and I don't think that he had dared to apply for his licence again. My impression is that being a second conviction, we neither saw nor heard anything more of him. It is possible he may have turned up some years after, but I am not aware of it.

1568. The next question is, considering that licensed grocers have now been in the trade for more than half a century, how do you propose to compensate small grocers who could not conduct business if the trades were separated?—I repudiate the claim for compensation entirely. They obtain their licences from year to year for one year—from the May term to the May term; and I don't recognise the claim of any liquor vendor to compensation.

1569. I have to ask you this: you said you would desire to see the liquor and provision trade separated?—Certainly.

1570. Would it satisfy you so far in that particular if persons carrying on both branches of the trade were obliged to do so in separate shops,—that is that there should be a regular division between the provision shop and the spirit shop?—I would be disposed to object to that, and for this reason, that an individual who has a liquor shop has his hands full enough without going into any other trade.

1571. The Excise have within the last year abolished hard ale licences. Did not a great deal of drunkenness arise from them amongst habitual drunkards?—Yes; after they had drunk themselves into literal beggary, and could not get a glass of whisky, they devoted what little they could raise to going to the hard ale shops. I feel glad to think that we have got rid of them—an act of the legislature for which we are all intensely grateful.

Adjourned.

EDINBURGH, TUESDAY, 9TH OCTOBER 1877.

Present:—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSSON.

SIR JAMES FERGUSSON IN THE CHAIR.

Adam
Thomson.

27. Mr ADAM THOMSON, examined.

1572. *The Chairman*—Are you a licensed grocer?—I am a licensed grocer.

1573. At Galaahiels?—Yes.

1574. You attend at the request of an association of licensed grocers at Galaahiels to tender evidence on their behalf to the Commission?—Yes.

1575. You mention in your letter that you have been nearly thirty years in the trade?—Yes.

1576. Then we will be glad to hear what you have to say?—I may state in the first place that I have had considerable public experience—that I was for three

years a police commissioner under the General Police Act for Scotland, and that for six years I was a town councillor under the last Parliamentary Burghs Act: three years of that time I was burgh treasurer. For seventeen years I have been in the volunteer force. Twelve years of that time I was a non-commissioned officer, and for the remainder of the period I was a commissioned officer. During that time I have had a great deal of intercourse with working men, and I am quite sure that during that period we passed at least 500 or 600 men through our hands, changing from year to year, and during the whole of that time we had only one case of insubordination caused by intemperance.

That, in my estimation, showed a considerable amount of temperance among the working classes. I think there are two questions, and very important questions, which lie at the very foundation of this investigation. The first question is, who are the parties who have got up this agitation against the licensed grocers; and the second question is, who are the parties that are to be benefited by an alteration of the law. Now, I know for a fact that this agitation has been initiated by the licensed victuallers and their agents, or in other words, the licensed publicans. For twenty years or more I have been connected with that association, and I know that the licensed publicans have been hammering away at the licensed grocers during all that time. I am speaking from facts.

1577. We shall be glad to hear your facts?—During that time little progress was made until the Edinburgh agent two years ago, at the licensing court in Edinburgh, somehow or other made the extraordinary chemical discovery that it was only the liquor sold by the grocers that intoxicated people. Now, although every man of common sense laughed at the idea, that idea was at once taken up by the paid agents of the Permissive Bill Society.

1578. We have had no evidence in that sense?—I can quite believe that, because all the evidence has come from the other side.

1579. You are not combating now anything that has been stated before this Commission?—No. I am stating how this agitation has been got up. But I deny *in toto* that the public, taking the public as a body, have any objection whatever to the existence of the licensed grocer. I have a few notes here, and I shall be glad to speak to them in rotation.

1580. Make your statement, if you please?—The first thing I refer to is the statement made that licensed grocers are in the habit of supplying workmen's wives with spirits or other liquors, and marking them down in a fictitious name. Now, as far as my experience goes, and that is close upon thirty years, that is altogether untrue. I know that that statement has been current for more than thirty years, and I have endeavoured on various occasions, both directly and indirectly, from both buyer and seller, to discover if there was any truth in it, but I have been altogether unable to do so. It is a question upon which the licensed grocers have felt very keenly, because it imputes bad motives and affects their veracity, for it implies that they are men of mean and low character. Now as a rule we repudiate that as a body; and I have here a declaration from at least 35 grocers, every one of whom repudiates that, or nearly so. I hand in these declarations, which are all signed.

1581. *Mr Campbell Swinton*.—Are they grocers belonging to different parts of the country?—Yes, Galashiels, Selkirk, Hawick, and Melrose.

1582. *Sheriff Crichton*.—When were these questions sent out by you?—About a fortnight ago.

1583. *The Chairman*.—Are all the licensed grocers in Galashiels members of the association you represent?—Not all.

1584. How many are there altogether?—The whole licensed houses in Galashiels are 4 hotels, 7 public-houses, 18 grocers having wine and spirit licences, and 4 grocers having porter and ale licences. The population at the present time is estimated at nearly 15,000.

1585. How many of these 22 licensed grocers are members of your association?—I should say about 18 or 20.

1586. But you cannot state exactly?—I cannot.

1587. Are any licensed grocers not living in Galashiels members of the same association?—No.

1588. Did these circulars go to all the licensed grocers of Galashiels without exception?—No; none went to the porter and ale grocers, and there were some others on the outskirts of the town that did not get them.

1589. Then, some of the answers are from places outside Galashiels?—Yes, they are from Selkirk, and Hawick, and Melrose.

1590. I observe that ten are from Galashiels?—Ten or eleven.

1591. Seven from Selkirk and one from Melrose?—

There should have been two from Melrose, but one has fallen aside. EDINBURGH.

1592. Eleven from Kelso?—Yes, I think so.

1593. And six from Hawick?—I did not count the numbers. I think there are 35 in all.

1594. Then out of the 22 licensed grocers you bring answers from ten in Galashiels?—Yes.

1595. *Mr Campbell Swinton*.—Taking your returns generally, and not with reference to Galashiels alone, what class of licensed grocers did you apply to? Did you apply to any of the smaller or poorer class?—I did not send them to the ale and porter grocers.

1596. Did you send them to any of the smaller grocers who sell whisky?—I don't think that we have any very small ones. They are all more of a class in our district.

1597. You did not send them to other places, such as Edinburgh or large towns, where there are numbers of small grocers?—No. I am simply speaking for the south. Innerleithen, Galashiels, Selkirk, and Hawick have very much the same class of people.

1598. Can you give us an idea of the average rent which the class of grocers whom you represent in these answers pay?—I should think from £25 to £60.

1599. *The Chairman*.—You say you sent some circulars to Innerleithen?—No; I was saying that Innerleithen, Galashiels, Selkirk, and Hawick are very much of the same class of people, having the same sort of employment, and living in a similar way.

1600. *Mr Campbell Swinton*.—And the general class of grocers in these towns you speak of pay from £25 to £60 of rent?—I should think so.

1601. *The Chairman*.—You have now given an unqualified denial to the allegation that some licensed grocers are in the habit of marking down spirits under other heads in accounts?—Yes, I give an unqualified denial to that statement.

1602. *Mr Campbell Swinton*.—You have never heard of there having been cases in the courts where that was proved?—I never heard of such a thing. I have watched carefully the reports of the Small-Debt Courts and I have never seen it. A few days ago I called upon the clerk to the Small Debt Court for Galashiels, who has had charge of it personally since 1861, and he never heard of such a case.

1603. *The Chairman*.—Do you say that as far as your experience goes it is the practice always to mark down spirits sold as spirits? If a woman buys whisky, it is put down as whisky?—It is put down as whisky. As far as my experience goes, whenever liquor is sold, it is put down as whisky, or brandy, or whatever it is.

1604, 1605. Did you ever hear of the practice of marking down all kinds of liquor as *aqua*?—Never. Whisky is very often put down under that name, but not all kinds of liquors.

1606. But you say whisky is often put down as *aqua*. *Aqua vitæ*, of course?—The water of life.

1607. *Mr Campbell Swinton*.—You never heard of spirits generally being put down under the name of alcohol?—Never such a thing. Alcohol we consider a poisonous article. We sell alcohol as spirits of wine, and we label it poison. We sell that for spirit lamps for burning.

1608. *The Chairman*.—What is your next point?—The next point which I take is the bottle system, or Sir Robert Anstruther's bill. Now, as far as my experience goes, I consider that it would be the most dangerous experiment that could be tried in Scotland to introduce such a system. Besides the unreasonableness of it, there is the certain danger that evil will flow from it. If it is an evil for a man to drink one glass of whisky, it must be ten times a greater evil to make him buy a bottle. As far as my experience of customers goes, I very often admire the wisdom of the working classes in buying simply their glass of spirits, because it is taken home and it is consumed, and all temptation is out of the way. But if you compel a man to buy a bottle of whisky, in which he has ten glasses instead of one, the probability is that he may go on drinking until he is overtaken with drunkenness; and I think as far as

EDINBURGH. family influence is concerned, that that is a very important element in the matter, because a man is not nearly so likely to get intoxicated in his own house, more especially when it is only a small quantity with which he is supplied. I think from my experience that the consumption of light ales and light porter is very much on the increase, and I find also that these porter and ales, more especially ales, are sent for previous to the dinner hour, and that spirits are more sent for in the evening, both proving indisputably that the husband is at home. From my experience I find that a very large consumption of malt liquors is now going on, and being used as part of meals; and I think that is possibly the very safest way in which anybody can use them. I am perfectly convinced that the sale of intoxicating liquors is increasing, and my conviction is that the more enlightened people become, the more liquors will be consumed; and the reason is simply this, that if a man is intelligent, he uses the liquors in a rational way. He takes what he requires, and he does not drink so as to become the worse of it. But if we consider the consumption of spirits, which is a luxury, it has not anything like kept pace with the other luxuries which forty years ago were considered as much luxuries then as whisky and ale are considered luxuries now. I refer to tea, and sugar, and coffee, and wheaten bread. These, forty years ago, were all considered luxuries, but from the immense consumption of them, they have now become necessities of life; and I am convinced that the same thing will go on in regard to ale and spirits,—that as people increase in wealth and knowledge they will have these luxuries, and that they will use them in a rational way for their comfort, and not abuse them. Then again it has been said, that if the bottle system was adopted the women would not go to a publichouse for liquors. The parties who make such a statement have, I presume, very little knowledge of human nature. If a woman has the least desire for liquors, it does not matter where the place is, she will go for it; and I think it is shameful to attempt to make respectable women go to the bar of a publichouse for intoxicating liquors; and the fact is, that if you shut off their small supplies at the grocers' shops they must as a necessity go to the publichouse and there receive the small quantities they desire. Now, in the very best conducted publichouses, a publican, however desirous he is to keep a good house, cannot tie the tongues of his customers at the bar, and going into these publichouses you hear rough jokes, and coarse language, and all that sort of thing, and if a female comes in she is a fair butt for ridicule, if not for something worse. All that has a degrading tendency. It lowers the moral feelings of the woman, and I think it is Pope who says that 'bad habits gather by unseen degrees, as brooks make rivers, and rivers run to seas.' So would it be in the case of females if they were compelled to go to publichouses. I believe that in the next generation such a crop of drunkards would be produced the like of which was never seen before. And my estimation of that bill is simply this, that had the Government asked me to prepare them a bill that would produce the greatest amount of drunkenness and the greatest possible amount of consumption of intoxicating liquors, I would just have put into their hands Sir Robert Anstruther's bill without the slightest alteration.

1609. Have you considered in making that statement as regards the unreasonableness of limiting the sale to a quart bottle, that it is the law in England and Ireland?—I am aware it is, and the fact is that if you look at the gin-palaces in London you will see the women frequenting these bars as regularly as the men. That is not a thing that I would like to see in Scotland. I would not like to see my wife or daughter doing it, and I would not like to see other men's wives or daughters doing it either. That is a system which I think we should resist in Scotland.

1610. You don't mean to tell the Commission as a matter of fact that respectable women in England or Ireland frequent the bars of publichouses for the purpose of drinking glasses of spirits?—Yes; if we take a decent working man's wife—

1611. You think they do that?—They do that.

1612. *Mr Campbell Swinton.*—You have spoken of your objections to the bottle system. Would these objections apply equally whatever size the bottle was? You have spoken of the bill as applying to a quart bottle. Would the same objection apply whatever size of bottle it was?—You might make it a gill bottle, which would do very well.

1613. A half pint?—A gill is the 32d part of a gallon.

1614. Would you object to a grocer being restricted to selling gill bottles, supposing they were corked and sealed?—I would not object to that, but I don't see that it would do any good.

1615. Would it not prevent drinking on the premises?—Not a bit. You must fill the bottles out of the barrel.

1616. Why should the barrel be in the shop at all?—It must be somewhere.

1617. Why should it not be in the cellar?—Well, suppose that.

1618. Would that not be an improvement?—Not a bit; the whisky must be taken from the cellar to the shop.

1619. But persons drinking it would not be taken to the cellar?—But if the whisky is in the shop, it is easy to draw the cork.

1620. Have you had any experience of people wishing to drink on the premises?—No, I have not.

1621. People never come into your shop and propose or suggest that?—They rarely do. I had a man that came in eight days ago and asked me to oblige him with a glass of spirits. I said no, and that on the other side of the street he would find a publichouse where he could get it. He said 'I would rather want it,' and he walked away.

1622. Then you are frequently asked for it?—Occasionally.

1623. But you never do it?—No; because I hold that no man can do a respectable grocery trade and at the same time make his shop a publichouse.

1624. You think there are none of them who do give drink on the premises?—I don't say they are entirely clear of it. The fact is that there are black sheep in every profession,—even in the church.

1625. You don't seem to have any information as to the smaller class of licensed shops?—I have no personal information whatever. I have heard that such a thing is done, but I never saw it done.

1626. You have no information about the smaller class of licensed houses?—None.

1627. *Mr M'Lagan.*—It struck me that you used a strong argument just now against grocers' licences. You said a respectable man came into your shop and asked for a glass of spirits: you would not give it, and asked him to go to the publichouse?—Yes.

1628. But he would not go there?—No.

1629. Supposing a grocer who was not so scrupulous as you are, and a lady had asked him, he might have given her a glass of whisky, and that might have been the commencement of habits of drinking?—The fact is you will get unscrupulous men to do anything.

1630. If that grocer had not the spirit licence, he would not have spirits on his premises?—If the man had not come in and asked the glass he would not have been refused.

1631. But he would not have come in, and a lady would not come into a grocer's shop and ask for a glass of whisky, if they knew there was none to be got there?—Of course not.

1632. Therefore if a grocer is licensed to keep it, it is a temptation to the weak to come in and ask for it?—In the same way there is a temptation in the public house. If you want a man or woman not to get drunk at all, you must shut up the publichouses.

1633. But your argument is that a respectable man or woman will not go into a publichouse. They walk away?—No: I say they should not be compelled to go to a publichouse.

1634. But you mentioned a fact, and you said a man came to your shop and asked for a glass of whisky: you told him to go to a publichouse for it, and he would not go?—The fact is that he said the drink was bad,

and he would not take it out of the publichouse,—he would rather want it. That was the reason why he went away without his drink altogether.

1635. *The Chairman*.—Can you account for only 10 of the Galashiels grocers having answered out of the 22? You said you did not ask the 4 ale sellers, but how about the 8 others? How is it that only 10 have answered?—There were some other grocers on the outskirts of the town that I did not send to.

1636. You said you sent to 18?—I think perhaps 18, but I did not count the number. I sent my boys out with the sheets.

1637. No doubt you wished to represent the trade feeling. Can you account for having only 10 replies?—I can account for it in this way,—carelessness to a great extent. The truth is that most of the trade take little interest in it, because they believe there will be no alteration in the law.

1638. Then go on to your next head?—My next head is the sufficiency of the present law. All the most respectable grocers in the trade are perfectly convinced that the law, as it stands, is sufficient, without any alteration; but they come generally to the opinion that if any alteration is made, there should be an entire separation in this way,—that the licensed grocer should sell all for consumption off the premises, and the licensed publican entirely for consumption on the premises. When the Forbes M'Kenzie Act was passed, the licensed grocers as a body took very kindly to that Act. Many of them, indeed, even before that Act, had altogether dropped selling for consumption upon the premises. But they took kindly to it, from the fact that it was quite an understood thing that the publican was to sell for consumption on, and the licensed grocer to sell for consumption off the premises. But after the amendment of the Act, it so turned out that the publican had the power, and although I cannot see any power in the Act, it is now the practice of publicans to sell both on the premises and off the premises.

1639. *Mr Campbell Swinton*.—You mean that he can sell to be consumed off the premises?—Yes; and I believe that as to any consumption that goes on in grocers' shops at all, it is more as a sort of self-defence, because they think they have been unjustly treated in allowing the publican to sell for consumption both off the premises and on the premises, while the licensed grocer has been confined to sell for consumption off the premises. And if any alteration in the law were made, I think it should be made a very clear distinction—that the one should sell for consumption on, and the other for consumption off. That would give very general satisfaction to the licensed grocers. There is another thing that produces drunkenness, as everybody knows who has watched the practice of publichouses,—that a man may sit for two or three hours until he is all but intoxicated, and when he walks out, if he has a shilling left in his pocket, there are two-gill bottles in any quantity standing ready, and he carries off one of these in his pocket when he goes staggering home, and the consequence is street rows, broken bottles, and very often broken heads. Now, there is one fact in connection with licensed grocers' shops, that you never hear of a licensed grocer letting out his premises to betting men; you never hear of a licensed grocer harbouring prostitutes, or women of bad fame; you never hear of any public disturbance originating in a grocer's shop; and if any home quarrels take place, they are generally traceable, not to the licensed grocers' shops, but to the publichouse. Now, I don't see any reason why the licensed grocer should be come down upon when these things can be clearly traced altogether independent of his business. There has been a considerable amount of discussion respecting the treating of police by grocers. Such a thing is never heard of in our locality as the treating of policeman by grocers with a view to permitting them to violate their certificates.

1640. Or with any other view?—Or with any other view—never such a thing. A great deal has been said about the police entering grocers' shops. The police have perfect liberty, so far as the law goes at present, if a man is suspected, of

entering his premises at any time. I have no objection to the policemen coming into my shop daily; but there is this, in which the most respectable grocer in the trade might be brought to grief, because a gentleman comes in and he wants to taste wines or liquors which he wishes to buy, or a traveller comes in to sell, and, as a matter of course, we taste his wines and spirits in order to test their quality. Now, a policeman might come in on such an occasion, and say that we were violating the law. But how could it be otherwise? We cannot as a body buy liquors without tasting them; and if a rigid construction was put upon the law, we have not the power to allow a gentleman to taste. If he is buying a dozen of wine, or any quantity of wine, as a matter of course he wishes to test the quality of it.

1641. *The Chairman*.—But you don't say that it is necessary to taste in the shop, do you?—Either to taste it in the shop, or go to the door, or go to the cellar.

1642. You might taste it in the cellar, might you not?—You have generally a few of the wines stored in the shop, and it would be scarcely judicious to take a gentleman down to the cellar.

1643. You keep your wine-stores in the cellar, don't you?—No, we have wine stores in the back shop, adjoining the front shop.

1644. The stock in trade,—the selling stock—you have in the shop?—Yes.

1645. But your stores you have elsewhere?—Yes.

1646. It is not necessary to taste in the shop, is it?—You must either taste in the shop or go to the cellar. If a traveller comes in and is showing his wines, we never think of taking him to the cellar that we may taste them.

1647. *Mr Campbell Swinton*.—But you don't suppose that it would be a violation of the law for you to taste what the traveller shows you?—No, but the policeman might hold it so.

1648. I don't see how he could hold it a violation of the law for you to taste what the traveller brings. If you permit a customer to taste, that is a violation of the law?—A customer buying one or two or five dozen of wine wishes to test the quality before buying it.

1649. And by allowing him to do so in your shop, you would violate the law?—Undoubtedly.

1650. And you consider that a hardship?—Yes. In such circumstances a policeman might drag into court the most respectable men in the trade.

1651. *The Chairman*.—Proceed to your next point?—The next is the supposed increase of drunkenness among the working classes. Now, as far as my experience goes, the very reverse of that is the case, and I have a great many statistics here to prove it. Compared with ten, fifteen, or twenty years ago, the condition of the working classes has immensely improved in every way. They are better housed, they are better clothed, they are better fed, and even in their moral aspect they are much better. I have the statistics here of building societies, but I am afraid it would be too tedious for me to go into them.

1652. We will take these for granted. We will admit it if you state generally that there has been a great increase in that particular?—In Galashiels there is a building society that has done an immense deal of good. In Hawick and in Selkirk the same thing is going on. Then in connection with the working men of our own town, we have got two Friendly Benefit Societies, and these societies are commenced and dissolved every year. They are what are called annual societies. The members pay in from 1s. to 4s. a share.

1653. I really think no one will deny that there has been a wonderful improvement in the circumstances of the working classes, and that is illustrated by the growth of building societies. I think no one will deny that?—I was simply going to say that these two societies eight or ten days ago distributed amongst their members no less a sum than £4000 odds. That, I think, goes to prove that the working classes are not intemperate. I have got here a statement of the National Securities Savings Banks, and I shall only give the figures for the last six or seven years. In 1871 there were deposited £3704, 18s. 10d. by 823 depositors; in 1872, £5083,

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17a. 10d. by 967 depositors; in 1873, £4545, 10a. 9d. by 1061 depositors; in 1874, £6230, 3a. 4d. by 1186 depositors; in 1875, £7186, 14a. 6d. by 1310 depositors; and in 1876, £9405, 18a. 8d. by 1474 depositors. So that you have here not only an increase in the amount, but an immense increase in the number of people who are evidently practising frugal habits and saving money, which shows that instead of the working classes being improvident and wasting their means on intemperance, they are immensely improving, for it is an old saying that a man cannot both have his loaf and eat it. There is a statement frequently made that drunkenness is increasing amongst better class females. Now, I think if that was the case, the licensed grocer, who is represented as supplying the liquors upon the sly, would be the very person who could best judge whether that is the fact. Now, from all my experience of thirty years, and from the experience of all those parties who have made their declaration, there is nothing in the trade to substantiate that assertion. It is altogether false as far as my experience and observation are concerned.

1654. You say that as far as your observation and experience go, it is altogether false that there is an increase in the use of spirits by females?—By better class females.

1655. Especially as purchased in grocers' shops?—Yes. The next matter I would notice is the restriction of licences. I find that in Galashiels there was just about the same number of licensed houses between thirty and forty years ago as there is at the present day. The population at that time was somewhere about 4500, and the proportion of licensed houses to the population was something like 1 to 130; so that although there has been actually no decrease in the number of licensed houses, the town has increased so much that, if you take licences and population, the decrease has been very marked indeed.

1656. The decrease in what?—In licences.

1657. *Mr Ferguson*.—In proportion to the population?—Yes.

1658. Have you got that calculation there?—Yes.

1659. *Mr Campbell Swinton*.—Are you speaking of grocers' licences only?—No; all kinds of licensed houses. The population is estimated just now at 15,000; we had lately an extension of the burgh, which took in a great many houses that were just in the suburbs. That gives a proportion of 1 licence to 430; and thirty or forty years ago the proportion was 1 to 130.

1660. *The Chairman*.—Will you tell us the exact time you refer to, because between thirty and forty years ago is rather wide. In what year have you taken that proportion?—If you go back thirty years—

1661. You must have worked out that calculation from some particular years, and you surely know when that was?—It is over thirty years ago. I could not lay my hand on any census at that time to give the exact figures.

1662. But how do you know that there was the same number of publichouses at some particular period, except by reference?—I can refer to the houses in my own mind. I have a perfect recollection of all the houses that were then licensed, and I know those that are licensed now.

1663. How many houses are there licensed now?—33, I think.

1664. You surely must have some ground, other than your memory, for saying that at some given period thirty-five or forty years ago there was the same number of licensed houses in the town?—I know very well from the fact that it was about the time that I began business.

1665. Do you mean now to say that you think the number is too few for the population?—No; the population is not complaining; but there is this difference, that the houses that existed at that time were small—I mean the inns and publichouses. Now they are all so large that they would hold three or four of the old ones. So that reducing the number of licences does not at all reduce the facilities for drinking. The next point that I would refer to is a recommendation which I think would be very beneficial, and it is one that is admitted

by all respectable grocers to be an absolute necessity in the way of selling spirituous liquors. I refer to aged spirits as an almost total cure for drunkenness. I hold as a matter of principle that no spirits should be sold for consumption until it is at the very least two years old. I would strongly recommend this to the Commission and to Government, because it is a thing which Government has entirely in its own hands. It holds all the spirits in the country under lock and key, and therefore it has a perfect knowledge of the time at which the spirit is distilled, or the time at which it was imported, and I hold that not a drop of spirit—that is whisky, brandy, gin, or rum—should be allowed out of bond until it is two years old. As a matter of principle I hold that no spirits can be really good until it is three years old, just as we admit that no port wine can be good till it is ten years old.

1666. Do you say not good in the sense of not wholesome, or not palatable?—It wants the fine quality.

1667. But you mean that it is not wholesome?—Yes; after it is two years old, it is; but previous to that I say it is not wholesome, and all respectable licensed grocers will bear me out in that. As a rule, we sell no spirit until it is from two to three or from three to four years old. All respectable licensed grocers store their whisky in bond, pay the short price as a matter of course, and keep it lying there till they require it. Wherever it is practicable, it is stored in sherry casks, and that is a very great improvement to it.

1668. I suppose there is a temptation to a needy man to sell whisky new, for the sake of the larger profit?—The larger profit: there is no expense incurred at all.

1669. Do you think that grocers would object to having the spirits which they sell occasionally inspected by a public analyst?—Not at all. I should be delighted at any time, and so would any respectable grocer, to have the whole of his stock inspected.

1670. *Mr Campbell Swinton*.—You have had no experience of that as yet?—No.

1671. Have you a public analyst under the Act at Galashiels?—We are getting one at present.

1672. Will it be part of his duty to inspect?—Yes.

1673. To inspect grocers' shops?—Yes.

1674. And to inspect the liquor?—Both food and drink.

1675. *The Chairman*.—There was a point which you proposed to speak to, but I think you hardly noticed it,—and it was the restriction of licences to a better class of men?—Yes: I mean that it is not so much the restriction of the licences as to get a good class of men to possess the licences. I find from my intercourse with respectable grocers that the continual agitation that is going on regarding licences is driving the best men out of the trade. In fact, good men can scarcely be got to enter the trade now; and as far as I am personally concerned, if I were a young man instead of an old man, I would not stay a year in the trade.

1676. Because of the restrictions?—No, because of the continual annoyance, and the worry of having your licence perhaps taken away; and the way in which a man's character is traduced because he sells intoxicating liquors.

1677. Would you tell the Commission, if you please,—you are speaking on behalf of others as well as yourself,—what conditions you think should be made in order to secure that the trade should be in respectable hands?—One consideration is not to grant too many licences, because if you grant too many licences, there is a difficulty in procuring a sufficient livelihood, which may be a greater inducement to a man to violate the law; because if a man gets into needy circumstances, he may adopt practices even contrary to his own inclination; and therefore by not reducing them too far, the tendency is to keep in a better class of men. And if the law was settled and fixed, so that there would not be that annual agitation going on regarding licences, men of character would go into the trade.

1678. Do you approve of having a minimum size of house licensed?—I think there are some houses that have been licensed,—I have seen them even in our own town,—that ought not, in my opinion, to have had a

licence. It is a difficult matter to fix any hard and fast line regarding the rent, because what may be a proper rent in one street or locality, may not be so in another; and I believe that if you get a man who is unprincipled, with the prospect in a low locality of having a good trade,—perhaps not a very judicious trade,—he might easily pay an additional rent; say you fixed it at £25, the place might not be worth £20, but if he was a man of no character, a £5 note would be of no importance. The fact of the magistrates having power to inspect all houses is, I think, a very good check, because if they do their duty judiciously they would not recommend the house to be licensed unless it was suitable for the purpose.

1679. When you speak of suitable houses, do you mean a house that fulfils certain conditions in being cut off from the dwelling-house and so forth?—In regard to grocers, do you mean?

1680. Yes?—In many cases it would be a very great hardship to cut off all communication. There is a very great number of grocers who hold their own property. They dwell in part of that property, and to cut off all communication entirely would in many instances be a very great hardship; and still more hard would it be to compel a man who has a house of his own, suitable in every way, to live at a distance from his business.

1681. I did not mean to ask you whether you considered that a grocer's shop should be absolutely away from his dwelling-house, but whether you thought that communication direct from the shop to the dwelling-house should not exist?—I should have no objection as far as I am concerned personally, that there should be no direct communication. But if you get men of principle into the business, it would not matter what communication there was.

1682. *Mr Ferguson*.—Are you aware whether men often go into the licensed grocer's business who have not served a full apprenticeship to the grocery trade?—Not very often. There are occasionally.

1683. Would it not be an advantage to make it a necessity that no man should hold a licence unless he has served a thorough apprenticeship?—I would be a little dubious about that, because there are plenty of respectable working men who have saved a little money, and if they saw a good opening, I don't think it would be judicious to prevent them taking advantage of it. We had a case in our own town lately. Our burgh assessor, who was by trade a joiner, and a man of principle, who had saved a little money,—an opening occurred, and he bought the business. Now, he is a man I could thoroughly depend on as being an honest, straightforward man. In a case of that kind, I think it would be a hardship; but, generally speaking, grocers have served an apprenticeship, and know the outs and ins of the liquor trade, so that it is much better for their customers. You often hear temperance reformers talk about its being a curious thing how men are seen to go sober into a publichouse and in a short time come out drunk, and they come to the conclusion that the liquor is adulterated. Now, that is a mere delusion. The fact simply is that instead of buying or drinking an old matured spirit fit for consumption, they are drinking new spirit that perhaps came out of the still only yesterday and is on the counter to-day; and it is consequently not fit for consumption. It is full of the fusel oil, which is the most intoxicating ingredient, and therefore it is that so many people who drink only one or two glasses of spirits become drunk. Now, I think spirits should never be sold or allowed out of bond under any circumstances unless it is two years old.

1684. *The Chairman*.—That is what you have tersely described as a cure for drunkenness?—Yes. I have a note as to the price of whisky, which I see was alluded to by Mr Duncan McLaren before the Commission the other day. I did not see the figures by which he arrived at his conclusion, because they were not given in the *Scotsman*, the paper that I read, but it was stated that a bottle of good whisky could be bought at 2s. with a large profit.

1685. *Mr Ferguson*.—A fair profit, I think, Mr McLaren said?—A good profit I think it was said in the

newspapers. Now, I have drawn out a statement showing all the expenses of a hogshead of whisky kept in bond for three years, and which I consider is then good whisky, and without troubling you with all the particulars, the outcome of the whole is that it costs 16s. 10d. a gallon, or 2s. 10d. a bottle.

1686. *Mr Campbell Swinton*.—Costs whom?—Costs the grocer; that is avoiding fractions. So that the kind of whisky at 2s. a bottle is the kind that is sold in a great many publichouses, and known amongst the lower classes of society by the name of 'speil-the-wa,' or 'kill the carter.'

1687. And is it stronger? Do they like it better than the old whisky?—Some do. Some men like something that grips the mouth; and the reason they give it that name is that it makes men so mad that they would speil up a stone wall after taking it, or it kills them off drunk at once.

1688. *Sheriff Crichton*.—What price do you sell the whisky you have spoken of at?—From 18s. to 20s. the gallon.

1689. *Mr Campbell Swinton*.—How much a bottle?—3s. or 3s. 4d. a bottle.

1690. *Mr McLaren*.—The 'speil-the-wall' whisky?—No, the whisky at 16s. 10d. a gallon.

1691. *Sheriff Crichton*.—That is sold by you at 3s. or 3s. 4d?—Yes.

1692. According to age?—Yes.

1693. Have you whiskies at different prices?—Yes.

1694. Can you give us an idea of how they vary?—As far as my own personal business is concerned, the whole is the same quality of whisky; the cheapest and the dearest are identically the same quality, and the difference in price is made by a reduction of the strength by adding water.

1695. And that makes a difference in the price of the bottle from what?—From 2s. 6d. to 3s. The next point I wish to notice is the Licensing Acts. I see that Mr McLaren construed these Acts, but in my estimation he misconstrued them. The first Act which applied to Scotland is the 44 George III. and the next 48 George III. By these two statutes the licensed publican and the licensed grocer were upon an equal footing. I remember quite well that there was no difference in regard to the selling of these parties,—both sold for consumption off and on the premises. Then there is the Home Drummond Act, which was passed in 1828, and it continued the same privileges to the licensed grocer that were given to the publican. In the Home Drummond Act there are three distinct classes of houses mentioned, viz., common inns, alehouses, and victualling houses. Now, Mr McLaren only acknowledges two classes of houses, and I cannot see why he does so, because in the very introduction of the Act, and all through it, the three classes of houses are distinctly set forth. Inns are places for lodging strangers, and where both man and beast can be supplied. The alehouses [were] tippling-houses, corresponding exactly to our publichouses, in which liquors are supplied but nothing to eat. The victualling-houses, again, I hold were the licensed grocers' shops at that time. About the year 1828 the people of Scotland did not possess so much money as they do now, and the common practice was to go into a grocer's shop and get a bottle of ale, a small loaf, and a bit of cheese; in other words, the grocer supplied his customers with bread and cheese and ale. That was the regular custom all over Scotland, and more especially in this part of the country with which I am personally acquainted. I have myself scores of times got provision in a licensed grocer's shop. I hold that during that time the licensed grocer's shop was the victualling-house, where a person could get victuals as well as ale. In many of the smaller villages round about, such as Lasswade, Loanhead, Springfield, Roswell, Hawthornden, and Roslin, the licensed grocer was fifty years ago the principal man in the village. He was not only the publican, but he was the grocer, very often the hardware merchant, and frequently postmaster-general for the village.

1696. *The Chairman*.—I suppose you mean that in those days trades were not sharply defined, as they

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EDINBURGH. are now?—What I hold is that the grocer's licence has existed the same length of time as the publican's, and that Mr M'Laren made a mistake in saying that the magistrates had no right or power according to the law to grant a grocer's licence. I hold that Mr M'Laren is entirely wrong.

1697. *Mr M'Lagan*.—You differ from him as to the term victualling-house?—Yes. He was quite wrong in saying that grocers had no legal right to have licences under the Home Drummond Act. Down to the passing of the Forbes Mackenzie Act a licensed grocer had a perfect right to supply victuals as well as drink, and that was a thing that was done daily. I have myself scores of times been supplied in grocers' shops in Edinburgh, Leith, and Dalkeith; and it was the universal practice over Scotland.

1698. *The Chairman*.—Been supplied with what?—Bread and cheese and ale.

1699. *Mr M'Lagan*.—That was in the old days?—Yes, previous to the passing of the Forbes Mackenzie Act. Then as to the transfer of licences, the legislature in 1828 I think exercised a very good judgment as to licences. Mr M'Laren in his letter the other day said, I think, that there was no vested interest in a licence. I beg again to differ from him, and I think the law clearly supports me. The 19th section of the Home Drummond Act says: 'Provided always, and be enacted, that if any person duly authorized to keep a common inn, alehouse, or victualling-house as aforesaid, shall die before the expiration of the certificate to him or her on that behalf granted, it shall be lawful for any two or more of the justices of the peace or magistrates, &c., to grant to the executors, representatives, or dispoones of the person so dying, a transfer of the certificate,' &c. So that, in point of fact, the transfer was made in the first place to the heirs of the party holding the licence, so that the vested interest might not depart from the party who held the licence.

1700. *Mr Ferguson*.—If you read on you will see that they could only renew the licence till the next meeting of the justices or magistrates?—Therefore, according to this Act, even the magistrates have not the power of cutting off a licence.

1701. Only till the next meeting?—Yes. The licence must be transferred to the family as it were, and the vested interest goes to them.

1702. Mr M'Laren did not dispute that?—I think he did.

1703. *The Chairman*.—What he disputed was that it could be legally transferred to another party altogether during the currency of the half year. He said it was illegal to transfer the licence to another party during its currency, except in case of death?—But at the same time he said there was no vested interest. Now, I hold this clause clearly implies that there is a vested interest in a licence, or there would be no necessity to state that it was to be transferred to the relatives or executors of the party dying. The next thing I would mention is the treating of servant girls and customers. Now, at one time I believe that treating, not servant girls—I never saw such a thing in the whole of my experience,—but on customers paying their accounts it was a very common thing long ago for them to get a glass of wine; and I see Mr M'Laren says that the Forbes Mackenzie Act was introduced in consequence of that practice existing. Now, I know perfectly well that at that time, and prior to that time, it was a universal practice with drapers as well as grocers to keep a bottle in their back shop, and to treat males and females, and all and sundry, on paying their accounts or making purchases. Even in the High Street of Edinburgh I have myself been treated in a draper's shop to a glass of whisky on making a payment; and I believe that to some extent the same practice exists in draper's shops still, for I was told the other day that in some of the large drapery establishments a whole spread is regularly standing day after day for their customers to go in, out of sight, and partake of all sorts of liquors. So that what took place perhaps twenty years ago as far as the grocer is concerned is no criterion of what takes place at the present time; or at all events, using the same logical deduction, that if

drapers treated their customers twenty years ago, they would do the same thing still, and it can be proved that they do it still. Therefore, in regard to grocers, there is just as much need that drapers' shops should be inspected as that grocers' shops should be inspected, in that point of view. As far as my own business is concerned, I make it a rule to treat neither customers nor any one else. If a friend comes in, I can treat him as any one else would do, in a hospitable way in my own house, but no liquor whatever is given either to men or women in my shop, for consumption on the premises.

1704. Are you authorised to say the same thing on behalf of all those you represent?—I can say nothing except their own declaration. I make no statement for them.

1705. There is no such statement made in these declarations?—No, I don't think it.

1706. They have not said anything about that, among the other things they deny?—No, there is no question put about that. I think that exhausts my evidence.

1707. I have some questions which I have been requested to put to you in consequence of your opening statement. I am asked to put this to you: When, where, and how did the spirit trade association get up the alleged agitation against the grocers?—They have been hammering away at it in their local paper,—the Glasgow paper which is the paper of the association,—for many, many years; and more than twenty years ago when I was at one of the meetings in Glasgow of the licensed victuallers, the very first thing done was to insult me because I was a licensed grocer, but I had £8 or £10 in my pocket, and I told them that, if I was to be treated in such a way, I would carry the money home with me. That had a very mollifying effect.

1708. I think that is a little beside the question?—Yes, so it is, but I am showing that for a long period of time they have had an animus against the grocers; but for a long time they made no progress till the extraordinary discovery was made by the Edinburgh agent at the licensing court some two years ago, that it was the grocers' whisky that made people drunk; and then as soon as the paid agents of the Permissive Bill Society saw that there was likely to be a split between the licensed grocers and the licensed publicans, as a matter of course—and very good generalship, too—they stuck in and backed up the publicans. Hence the agitation was initiated and has been carried on; and latterly they got Sir Robert Anstruther and Mr Duncan M'Laren as leaders of the movement.

1709. I am desired to ask you whether you or a deputation of grocers asked for a Royal Commission before any further legislation?—I don't think it, as far as my memory goes,—not that ever I had any connection with.

1710. This is a question that has been suggested more than once: Is it true that in Galashiels a great many of the work people deal in preference at stores, where there are no liquors sold?—There are a great many people who deal at stores, not because there is no liquor sold, but for the purpose of making a profit. It is a co-operative concern, and I am glad to say that they have thousands of pounds invested in house property and share capital, which is another proof that the working classes are frugal and economical, and are saving their money. One of the principal reasons is that it keeps their money together. They get large dividends at the end of the year—never less mostly than 3s. in the pound—upon all their dealings, and that is the reason why they go to the store in preference to the licensed grocer.

1711. But it is true, also, is it not, that at these co-operative stores there is usually no licence?—There is no licence because it would be very dangerous to give them a licence.

1712. Why so?—The customers would be so numerous.

1713. That would be rather popular, then, if they had these stores as a speculation?—Yes, but the thing would go to ruin, and its popularity would fail.

1714. Why would it go to ruin?—Because there would be a temptation for the parties who were daily about it partaking of liquors that might never be paid for.

1715. Partaking of liquors without paying for them? —Yes. To show that these people are not all teetotallers, there was a very great row at the end of last year or the year before,—the liquors sent by some of the Edinburgh merchants to the committee got into wrong hands,—bottles of wine and bottles of whisky and all that sort of thing, but unfortunately they got into wrong hands, and there was a great row about it; it was quite the speak of the town for a few weeks. But the principal thing regarding these co-operative stores is to make money. The idea at first was that the grocers charged exorbitant profits upon their groceries, and they commenced the grocery trade in a very small way, and it has gone on increasing. They have been exceedingly well managed, and they take sweeping profits, which enable them to pay 3s or 3s. 6d. of dividend on all their purchases during the year. These dividends are generally lifted about Whitsunday, when the rents are to pay, and they find it a very good thing.

1716. That is a little wide of the point involved in my question, which has been suggested more than once,—do the working classes, to whom these co-operative stores generally belong, uniformly refuse to have them licensed? It is suggested that that is because they disapprove of the sale of spirits in connection with provisions?—The disapproval is simply that the thing would not be well managed. That is the principal thing. If they could make money out of it, and at the same time have the certainty that it would be well managed, that would not stand in the way for a moment.

1717. That is your answer?—The answer is that they do not go to the co-operative store rather than to the licensed grocer, but because they consider it their own shop, and they make a pretty large profit out of it. They take the profit out of the one pocket and put it into the other,—that is the short and the long of it.

1718. Is it the fact that the answers to the papers, or 'declarations,' you have given in are almost uniform?—Yes. I see one states that he once gave liquor and marked it something else.

1718*. Then it will only be necessary for us to print the questions?—Yes.

The following were the questions put to the parties who signed the declaration:—1. How long have you held a grocer's licence for the sale of excisable liquors? 2. Have you ever done, or do now, supply liquors of any description to the wives of artisans or others, and mark them in their pass-books or bills as tea, sugar, soap, or any other fictitious name, to deceive their husbands? 3. Have you ever, and if so, how often have you been asked by females of any class, to supply them with excisable liquors and mark them by some other name in their pass-books or bills? 4. Does your business experience and observation lead you to believe that drunkenness is on the increase? 5. Have you any proof, as far as your business experience and observation goes, that drunkenness is increasing amongst better class females? 6. Are a considerable number of your sales of spirituous liquors in smaller quantities than a quart or pint bottle? 7. Do you think it would be for the moral benefit of those parties who buy liquors in smaller quantities than a quart or pint bottle, to compel them by law to go to a publichouse for their small supplies? 8. Do you know for a fact that much smaller quantities than a quart or pint bottle of rum, gin, brandy, whisky, and wines are bought by the working classes for medicinal purposes? 9. Do you think, from your observation of society, that a licensed publichouse is a more likely place to promote and foster temperance than a licensed grocer's shop?

28. Mr WILLIAM THORBURN, examined.

1719. *The Chairman*.—Where do you carry on business?—In Argyle Place, in the district of Grange.

1720. How long have you been in the trade?—For eighteen years.

1721. Including your apprenticeship?—Yes.

1722. How long have you been a licensed grocer?—I think I have been fifteen years of that time in licensed shops.

1723. Do you appear on behalf of others besides yourself?—No, I appear entirely independent.

1724. You tendered your evidence?—Yes.

1725. Then will you make your statement?—The first thing I have noted is back-shop drinking. Personally I have had no experience of back-shop drinking during the eighteen years I have been at the trade, but believe it to be carried on to a limited extent by persons whose inexperience unfits them from making a livelihood by doing a legitimate grocery trade. I believe the present powers of the police under the Forbes Mackenzie Act quite sufficient to deal with their evil, or perhaps a clause inserted in Dr Cameron's Act reducing the hours to 8 P.M. instead of 11 P.M. as at present would have gone far to eradicate the abuse, as most of the back-shop drinking takes place after 8 P.M.

1726. Would you agree that a grocer's shop holding a spirit licence should not open for business till the publichouses may open?—I think it would be for the advantage of the trade if such were the rule.

1727. Proceed with your statement, if you please.—I am of opinion that the present mode of granting licences by the magistrates is liable to be abused. The facility with which magistrates can be approached has been the cause of licences being granted not to the person who was mostly likely to conduct his business correctly, but to the man who could bring most influence to bear on the licensing court. I do not in any way charge the magistrates with injustice, but think if the granting of licences was in the hands of the sheriff or other paid magistrate, the result would be more satisfactory, both to the public and the trade. I heard of one instance where a licence was refused because of a petition presented by a neighbouring church session; the business was sold to a member of the church, who was granted a licence at a future court, his application being signed by two members of the same church session.

1728. What other system would you recommend?—I would recommend that the sheriff or other paid magistrate should have the power of licensing.

1729. Would you be satisfied with a permanent licensing committee of magistrates?—Yes, if I was sure they were independent gentlemen. I may state that one of my reasons for that is the case of small burghs, which have perhaps two of the magistrates who are licensed men themselves, and in the case of an independent man applying for a licence, I don't say they would, but they might use their influence to prevent him from getting it.

1730. *Sheriff Crichton*.—By independent you mean not connected with the trade?—Not connected with the trade,—independent of any party.

1731. *Mr M'Lagan*.—You would not approve of the ratepayers having a voice in it?—No, I don't approve of that, because they don't judge of the case on its merits, and petitions are generally got up by interested parties.

1732. But would you not give the ratepayers a voice in granting the licences?—No, I don't think so.

1733. *The Chairman*.—Would you go on to the next point?—The next point is the quantity to be sold. There are a number of grocers in Edinburgh whose business would not be injured were the minimum quantity allowed to be sold reduced to a reputed pint; but we have to consider a much larger number, against whom there is not the least suspicion of illegitimate trading, who sell their liquor as they do their groceries, in small quantities, to meet the requirements of their customers, who have been long in the habit of purchasing what liquor they require from their grocer in quantities to suit their circumstances; and I fail to see the justice of the proposal to compel them to purchase five or ten times the quantity they desire. My experience while manager of one of the largest provincial trades in the east of Scotland convinced me that, especially during cases of illness, the working class prefer to purchase the wines or spirits prescribed by their medical attendant at the grocer's. There we sold a large quantity of wines, brandy, and spirits in quantities less than one-sixth of

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a gallon, which to my knowledge was only used in cases of sickness. We also sold a considerable quantity to gentlemen going out boating or for a few hours golfing, those parties preferring to have their flasks filled from the licensed grocer's stock rather than from any of the inns in the town.

1734. Then you would be of opinion that some smaller quantity must be fixed on than the pint, if we are not to occasion hardship?—It would cause hardship to a number of respectable men in the trade. So far as my own business goes, that would be an advantage, because it would keep the disreputable class from coming to my shop.

1735. *Sheriff Crichton*.—Then you have no objection to a sealed bottle?—No, so long as the quantity be fixed at not above one gill.

1736. *The Chairman*.—Go on to your next point?—The next is treating servants. The charge made that grocers are in the habit of bribing servant girls and working men's wives with whisky for the purpose of inducing trade I believe to be entirely without foundation, and do not think proof could be produced to substantiate a single case. I am giving my own experience. Any servant girl who ever came to any shop I was in would have felt insulted, and never would have come back, if she had been offered a glass of whisky; and the same with working men's wives. Before I commenced business, we had a large trade with farm servants, and they came and purchased their whisky quite openly, and we never had any inducement to treat them.

1737. I suppose you have always been in shops that would be called respectable shops, rather on a large scale?—I was for one year in the Canongate, where the trade was among the poorest population, and there the business was managed by a manager in absence of the proprietor.

1738. I suppose a good many people might come into shops in the Canongate who would not feel insulted at all by being offered a glass of whisky?—But it was never done. I am referring to servant girls and working men's wives. Of course in the case of the lapsed class, they would take whisky anywhere if they could get it.

1739. *Mr M'Lagan*.—Have they ever come in and asked for whisky, and been refused?—Yes, very frequently. Very frequently people come into a grocer's shop and ask for whisky, to induce the grocer to break the law if they can. I think there was a good suggestion made by Mr List of the Haddington police, that it should be held criminal for a person to partake of liquor in a grocer's shop. That would go a long way to put down back-shop drinking.

1740. *The Chairman*.—What is your next point?—Prices charged. Another charge brought against licensed grocers is that they are in the habit of selling groceries without a fair remunerative profit, and thus injuring the business of the unlicensed grocer. Anyone taking this evidence from facts is well aware that such is not the case. I was two years in the employment of a firm who do a large unlicensed retail trade: the prices they charged were fully as moderate as the licensed grocers in the neighbourhood, and yet the business was highly successful. One exception I wish to bring before the notice of this Commission, namely, the Civil Service Supply Association. Some of the most active opponents of the licensed grocers are members of this licensed grocery association, and it is a notorious fact that they pretend to sell groceries at nearly cost price, in the case of proprietary goods at the list price of the various makers, and charge a profit of from 12 to 15 per cent. on liquors, evidently depending upon the latter to pay their working expenses and dividend. We have here also several hundred persons trading on one licence. This the trade consider very unfair, seeing that each individual or firm with a rent exceeding £50 pays the same amount of licence.

1741. But still they don't have a licence for each partner?—They have a licence in the name of their manager, which is merely a screen.

1742. But a firm of grocers don't have a licence for each partner?—They have one licence.

1743. But there might be six partners?—It is scarcely ever the case that there are more than two. In Edinburgh I don't think there are even more than three members in any firm.

1744. *Sheriff Crichton*.—Can you tell us the price at which whisky is sold?—I shall give that. I may allude to the number of shops in different districts. A statement was made that in Princes Street there are only 17 licensed houses, while in Rose Street there are 27; that also in the line of street from the Post-Office to Mayfield toll there are 28; while in a few acres behind Surgeons' Hall there exists 29. Now, in Princes Street, excepting the hotels and clubs, the resident population is very small. We find the same in the line of the Bridges from the Post-Office to Nicolson Street—nearly all the buildings being occupied as shops and business premises; while the other two districts are densely populated, especially the latter. At the extreme east end of Princes Street we have three publichouses doing perhaps as much business as any fifteen in other parts of the city. The grocers' shops in the same districts are in proportion, their trades being among the largest in the city; while in the districts behind Surgeons' Hall the businesses are much smaller; but I have it on the authority of a gentleman, a provision merchant who has called upon the grocers in this district for many years, that they all do a legitimate grocery trade, many of them a large provision trade, and can in no sense be termed sham grocers. Then as to the proportion of groceries and liquors sold. Statements have been made that the sale of spirits by grocers far exceeds the sale of groceries. I have gone carefully over my purchases from the 1st of October 1876 to the 1st October 1877, and find on my total purchases, I have bought 12 per cent. of whisky and foreign spirits, and 15 per cent. of wine and beer. As the sales would be in exactly the same proportion, the excisable liquors sold would be 27 per cent. of the total turn over. I have a statement as to the cost price of whisky, and I take it at two years old—I consider that the minimum time at which any respectable grocer will clear whisky. I have supposed the cost of the proof spirit at 3s. 6d.: there would be interest at 5 per cent. for two years, 2½d.; loss by ullage, 6 per cent., 1½d.; loss on strength, 4 per cent., 1d.; warehouse rent for two years, 1d.; loss on the price of the cask and carriage, 1½d.—this comes to 4s. 1½d., and adding the duty would make it 14s. 1½d.; and supposing it were reduced to 15 under proof—that is about the weakest whisky sold by any respectable grocer—this would make the cost price 12s. a gallon. It is generally retailed at 15s., leaving a profit of 3s. a gallon, which I don't think is too much.

1745. *The Chairman*.—Anything further?—I might mention the case of Dalkeith, where there are very few licensed grocers, and the prices there are fully as keenly cut as they are in any other district.

(See also App. D, p. 492.)

29. Mr JOHN WHITECROSS, Licensed Grocer, North Berwick, examined.

1746. *The Chairman*.—Do you generally concur with Mr Thorburn?—Mr Thorburn was eight years manager in one of my shops. He has more fully stated the case than I would have done, so that it is no use my detaining the Commission with anything I have to state further, unless you have any questions to ask me. I agree with Mr Thorburn.

1747. You have a country experience as well as a town experience?—I have a country experience.

1748. It has been said that a good deal of mischief is done by farm servants, male and female, coming into town, especially on certain days, and getting glasses of spirits at the grocers' shops. I don't ask whether you do this yourself; but from your experience do you think that this is a thing commonly done?—Certainly not. Certainly it has never been done in my own experience. As to being asked to mark down gro-

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ceries instead of whisky when whisky is sold, I think that is a most absurd thing to say. I have been 25 years, nearly 26 years in the business, and I can solemnly declare I never was once asked to do it.

1749. But the suggestion is not that this is done in high-class shops, but that the licences are often held by people who ought not to be entrusted with them?—I don't think there is anything of that kind done in our town. I have not the slightest suspicion of its being done, at all events.

1750. Is it commonly put down as "aqua" to cover all kinds of spirits?—I think that is put down for whisky only—not for anything else so far as I know.

30. Mr GEORGE BALFOUR, Senior Partner of Messrs Balfour & Sons, Licensed Grocers, Jedburgh, examined.

1751. *The Chairman*.—Whom do you represent, Mr Balfour?—I represent the licensed grocers in Jedburgh, who are fourteen in number.

1752. Are you empowered to represent the whole of them?—Yes. I have returns from thirteen of them, and the fourteenth by an oversight omitted signing the declaration, and I did not bring it.

1753. Is it similar to that of Mr Thomson?—Yes.

1754. *Sheriff Crichton*.—Are the questions the same?—Identically the same.

1755. *The Chairman*.—Are the answers from the fourteen uniform?—They vary a little in expression, but in sense they are nearly the same. I shall, however, characterise them as I proceed in the reading of my statement, which is as follows:—'Having been requested by the licensed grocers in Jedburgh to give evidence before the Royal Commission on grocers' licences, I have now, in discharge of that duty, to state briefly the substance of their testimony. In anticipation of what might possibly be the line of inquiries on the part of the Commissioners, a printed form or declaration, followed by nine queries, was handed to each of them, and also to three parties who had for a long series of years been in business in that way in the town. I have with me thirteen of these declarations, with the replies given by each independently of the others. After a careful examination of them, I have thought it may be useful, and economise the time of the Commission, to summarise the evidence thus:—The declaration is—'I, _____, carrying on business at No. _____, do hereby declare that the undernoted answers are true and faithful statements.'—The questions and answers run thus: "How long have you held a grocer's licence for the sale of excisable liquors?" In reply to this I find one has been in business and held a grocers' licence 41 years; one, 38 years; one, 26 years; one, 25; one, 22; one, 13; one, 6; one, 3; one, 2; one, 18 months; one, 10 months; and one, 6 months. The other questions and answers run thus:—2. "Have you ever done, or do now, supply liquors of any description to the wives of artisans or others, and mark them in their pass-books or bills as tea, sugar, soap, or any other fictitious name, to deceive their husbands?" The answers, though varying a little in wording, such as "No," "Never," "Never asked," "Never have nor will do anything of the kind," "No, and would not upon any consideration," are in substance the same, amounting to an explicit denial of ever having done such a thing. 3. "Have you ever, and if so, how often, have you been asked by females of any class to supply them with excisable liquors, and mark them by some other name in their pass-books or bills?" The replies, more uniformly in the same terms, as "No," or "Never," with one exception thus: "Once, or twice at most." 4. "Does your experience and observation lead you to believe that drunkenness is on the increase?" The replies in eleven cases the same in substance—"No." In one the answer runs thus: "I believe the consumption of liquors has increased

"of late years, but that drunkenness is on the decrease;" and another, "The sale is so, but I could not say that drinking to an excess is." 5. "Have you any proof, as far as your business experience and observation goes, that drunkenness is increasing amongst better class females?" The replies equally decided and conclusive that it is not. 6. "Are a considerable number of your sales of spirituous liquors in smaller quantities than a quart or pint bottle?" The replies in twelve cases equivalent to yes; one, "I sell very little in quantities smaller than a full quart bottle." 7. "Do you think it would be for the moral benefit of those parties who buy liquors in smaller quantities than a quart or pint bottle, to compel them by law to go to a public-house for their small supplies?" The replies, though more varied in words, are in substance very much the same: "Most decidedly not;" "I do not;" "No;" "I think it erroneous;" "No, such a step would be a grievous injury;" "I do not;" "No, I don't think it;" "No, there is no mistake such compulsion would lead to moral and physical injury." 8. "Do you know for a fact that much smaller quantities than a quart or pint bottle of rum, gin, brandy, whisky, and wines, are bought by the working classes for medicinal purposes?" The replies generally "Yes," with, in several instances, "Frequently," or "Very frequently," only one stating "Not aware." 9. "Do you think from your own observation of society that a licensed publichouse is a more likely place to promote and foster temperance than a licensed grocers' shop?" The replies in substance quite against the supposition, being such as—"No, the opposite of that;" "The very opposite;" "I do not;" "No;" "I think it just the very reverse;" "If the licences were in the hands of thoroughly respectable grocers it would be a boon to the community; they will not sell to any one who abuses it." These declarations were in each case attested by the signature of the party making them, and from their respective places of business, and with date adhibited. I may here mention generally that the hours of business are from eight morning till seven at night, with the exception of Saturday, when the hour of closing is nine o'clock.

1756. Am I to understand that with regard to the sixth question, the most of them say that they do sell a good deal in small quantities?—Yes, with the exception of one. 'Before proceeding to answer to the best of my ability any questions you may think needful to put to me. I may perhaps be permitted to advert very briefly to two points in connection with this matter, which I consider of sufficient importance to bring under your notice. The first has reference to a statement made by Mr Duncan M'Laren. Now, it is not my intention to criticise or characterise that gentleman's evidence in any way or on any points other than the one which, it appears to me, is quite a fallacious statement—in no way borne out by the facts of the case, and which if allowed to pass unchallenged, is fitted to leave an erroneous impression, not only on the minds of the Commissioners, but also on the minds of the community at large. The statement to which I refer is copied from the *Scotsman* of Friday, and runs thus:—"Witness next submitted figures to the Commissioners to show that a bottle of good whisky could be sold by grocers and publicans at 2s., and they would have a fair profit off it at that." Now, if accurately reported—and I have not as yet seen any correction of it—such a statement, and the consequent inferences that may legitimately be drawn from it, are very wide of the mark. It is a well-known fact to any one conversant with the matter, that the lowest net price of newly made grain whisky at the distillery at present is from 2s. 4d. to 2s. 6d. per gallon proof, the duty on which is 10s., payable in advance, thus making at once 12s. 6d. per gallon, or 2s. 1d. per bottle, net cost price, for there is no discount in the Customs or Excise; and, be it observed, that is the net price for newly-made grain whisky of

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'the plainest description, and which no respectable grocer would for a moment even think of keeping in stock for immediate use. Where the fertile genius of the worthy M.P. is to find the means of supplying a good whisky and have a fair profit for a penny per bottle less than cost price, is somewhat puzzling to see. It may be suggested, and, to a certain extent, quite properly, that proof strength will admit of such reducing as still to admit of "giving a good whisky at a fair profit." The goodness we need not dispute about, for in order to secure the other condition—"a fair profit"—it would be very harmless, commending itself no doubt to such as love weak drinks, but whether the customers of the grocers and publicans would be satisfied with the same "watery element" seems doubtful. The opinion, though given as the result of "figures," with which we naturally associate the idea of facts, and facts are "stubborn chieftains"—a few figures shows their absurdity, and leads those who have the means of knowing better to doubt whether after all it was not intended by the speaker that the two preceding sentences should be applied to, and made inclusive of, this:—"He was taking it on common report that such things were so; he had no personal evidence of the fact." It certainly does look like it. I need scarcely add that in point of fact a very different figure is paid by the great bulk of grocers for the whiskies they sell. After a very lengthened experience I am in a position to state with confidence that the average net cost price of old properly matured whisky will be 15s. 6d. or 16s. per gallon proof. I know it is so with me, and I have reason to believe it is so with others who have made it their study to supply their customers with a genuine, good, and thoroughly-matured article, fitted at once to suit the varied tastes of their customers without injury, and to implement all the purposes, socially and medicinally, for which it is now increasingly used and recommended. "A discerning public" have not been slow to appreciate and encourage this careful attention, as, for every single bottle sold at 2s., 2s. 4d., 2s. 6d., or even 2s. 8d., I imagine it will be found that with such dealers ten, twenty, or thirty of the best at 3s. per bottle are sold. This leads me to notice, and more briefly, a second point in connection with this matter, which as yet I have not seen adverted to, viz., a phase of it in relation to the withdrawal of licences altogether from the grocers. We are left in no doubt or uncertainty as to what Mr M'Laren would do for or with us. How far any Government will be disposed to legislate on such a matter on the strength of evidence founded on mere hearsay remains to be seen; but I cannot refrain from expressing my firm conviction that any hasty, reckless tampering with the matter, to the prejudice of the existing interests of what I believe still to be a large and respectable body in the community, would be an egregious mistake in policy, and result in signal failure as a means of improving or elevating the masses. Conducted as the business has been by the great bulk of respectable licensed grocers, I have yet to learn the justice or wisdom of making such an invidious distinction between this class of tradesmen and others throughout the country,—why they, above all others, should be singled out to be subjected to the un-English offensive system of espionage, or the supervision of the police in plain clothes—or otherwise as might suit their purpose—in the conducting of their business, lest, forsooth, they should treat their customers to a glass of brandy, whisky, wine, or other cordials to induce or secure sales. Now, I am no advocate for such treating, and resolutely set my face against the practice long years before we had any Act of Parliament to plead as excuse. But if there is to be law on the matter, I see no reason why the same rule should not be applied to all classes of the trading community. Need we wonder that, according to the evidence already led on this point, the law has been to a great extent practically a dead letter on our statute-book, or where tried to be enforced has signally failed.'

1757. What law do you refer to as having been a dead letter?—The power of the police to go into business premises.

1758. I should like to ask you this with reference to these questions which come up as a sort of declaration from the trade in your town. There does not appear in the questions any denial of a charge which has been made by every witness on the other side, not against respectable houses, but against a great many licensed grocers, viz., that they frequently suffer the sale of liquor and its consumption on the premises?—It is not among these questions, and consequently there could be no answers with reference to that, or statements in regard to it. I don't know for my own part what the practice of the trade generally is. I imagine that this thing is never indulged in. I know for certain in my own case such a thing has never existed for many years.

1759. I call your attention to the fact that while you have met many charges that have been made against members of the trade, and suggested other points of view which had not been mentioned before. Yet you have not at all met the principal charge, or rather the most frequent charge made, viz., that the grocer's allow liquor to be consumed on the premises?—I meet that in my own case now with a denial. I can't say for the others. As it is not in the questions, I could not give an answer to it.

1760. Of course, no one charges the highest class of grocer's with such practices. It is said to be the smaller class to a great extent who indulged in these practices?—I understand that the superintendent of police, or rather the chief constable, will be giving evidence to-morrow, and he will be able to state his impressions in regard to this subject.

1761. *Mr Campbell Swinton.*—Which chief constable do you mean?—The chief constable of the county.

1762. *Mr Ferguson.*—Are you aware of such practices being indulged in by any of the grocers of Jedburgh?—I am not.

1763. *The Chairman.*—Should you object yourself, and as far as you know should the others object, to your hours of business being limited to those within which liquor may be sold at the publichouse?—I have stated the hours at which they are at present conducting their business, viz., from 8 in the morning till 7 o'clock in the evening. We always shut at these hours excepting on Saturdays, when we are open till 9.

1764. But would you object to the publichouse hours being fixed upon by law as obligatory on licensed grocers—that is to say, that you would not be allowed to sell before 8 in the morning?—I would agree to that at once. It is in operation amongst us just now. We don't open before 8 o'clock. As to the shutting hours I don't know what might be fixed upon as proper for the publichouse.

1765. *Mr Campbell Swinton.*—You would not object to legislation by which you would be obliged to close at 7?—I have no objection whatever, although I think that as far as business is concerned, merchants are the best judges in their own cases.

1766. But you would not object to them being shortened, would you?—Not if we are to get through our business.

1767. *The Chairman.*—But you would object to the powers of the police being made as extensive in regard to the entry into grocers as it is with regard to their entry into hotels and public-houses?—Most decidedly—unless the same power would extend to other dealers. I don't see why drapers, or booksellers, or any one else, should not be subjected to the same thing.

1768. *Mr Campbell Swinton.*—What would the police go to see at a bookseller's?—Whether any treating was going on. We have heard from a witness that such a thing goes on.

1769. In a bookseller's?—Not in a bookseller's.

1770. But you mentioned booksellers, did you not?—Yes, but it merely came ready to my tongue; I don't mean them in particular.

1771. Is it as likely or as probable that the police would find people drinking in booksellers' or drapers' as in grocers'?—I don't know what inducement they have to see them drinking in grocers' more than in any other kind of business. We were exceedingly glad to get a stop put to that drinking on the premises which was in existence when I commenced business forty-one years ago—when, indeed, it was quite common. It existed then just as Mr Thomson described—the drink being taken along with bread and cheese.

1772. *The Chairman.*—You have no objections, have you, to sealed vessels? Would you have any objection to no barrel with a tap on it being in the shop, or to its being kept in a cellar, so that nothing but sealed bottles were kept in the shop?—I think that is curtailing the liberty of the merchant too much. I would certainly object to that, because it is possible to think that two or three of my hands might be out of the shop at the time when a supply was wanted, and it would be very inconvenient to leave a customer standing in the shop to go down to the cellar for liquor.

1773. Would you object to a restriction to selling in sealed bottles?—I can speak of my own case. One has already said to-day that he has never sold anything else.

1774. I am talking not of the quantity sold, but of the bottle containing the liquor being sealed?—But what is the design of it? That is entailing an amount of trouble on the dealer which I do not at once see the force of.

1775. You don't see any advantage in that, do you?—No.

1776. *Mr Ferguson.*—Would you object to it?—Yes, on the score of its giving unnecessary trouble. If by that means any additional security was given to the doing away with drinking, I would have no objection to it.

1777. *Mr Campbell Swinton.*—If it gave any additional security against drinking, do you say you would not object to it?—Yes.

1778. Would not a still greater security be given by preventing a barrel with a tap on it being in the shop?—I don't know. They could knock off the top of the bottle and take the liquor if they were in such haste for it. I think these restrictions are just entailing unnecessary trouble on the merchant.

1779. *The Chairman.*—Is there anything else you would like to mention?—There is just one thing that occurs to me, and it is this, the sending of fine old matured whisky into England. That, so far as I have noticed, has not been brought under the consideration of the Commissioners. That is a growing trade. A very large trade is being done now in it. What the cause of it is I don't know. It would appear that they can't get real fine whisky in England. I may mention my own experience of the matter. When once we get it introduced into a town or among a circle of acquaintances, it is invariably followed by repeated orders. We pay particular attention to having the spirits matured. They seem not to be able to get it so fine as from Scotland. I don't know if you had your attention drawn to this matter or not.

1780. I hardly see how it applies to our inquiry.—The reason why I have brought it under your special notice is this, I don't know that the Excise take note of the quantities sent into England, so that Scotland will be credited with the consumption of it. There is a very large quantity sent.

1781. *Mr M'Lagan.*—I have a question to put to you regarding the police.—You say you don't see why the powers of the police to enter a grocer's premises should be extended more than their power to enter drapers' or booksellers' shops. Is it not the fact that grocers have a privilege which those other trades have not, viz., the privilege of the licence?—For which they pay.

1782. But it is a privilege, is it not, which they court and ask for. Do they not consider it an advantage to have it?—Yes.

1783. And the object of making the police enter is

to see that that privilege is not abused?—Yes, abused in the way of giving drams on the premises.

1784. You could not complain of the legislature extending the power of the police to enter grocers' premises merely because they have no power to enter booksellers' shops?—It is specially averred in these matters that people are treated for the purpose of securing their orders. Now, why should a draper or a bookseller, or a merchant, be exempted from that supervision? They are just as likely to give a glass of wine or whisky to their customers, in order to secure their order, as the grocer.

1785. *Mr Campbell Swinton.*—But drapers and booksellers do not keep whisky, do they?—No, not for the purpose of selling.

1786. *Mr M'Lagan.*—No one would object to drapers giving a ribbon to servant girls, for instance, for their bonnets?—In this matter, of course, I am only speaking for myself.

1787. I don't say that you are guilty of this practice. What I want to know is your opinion as to the extension of the power of police supervision?—I think it is invidious.

1788. If it was a privilege for the draper to sell ribbons, and the legislature said that he should not give servant girls a ribbon to tempt them to the shop, then the power of the police should be extended to see that the privilege was not abused?—Yes. I may mention in conclusion that although my evidence corroborates Mr Thomson's, I never met Mr Thomson before.

The following gentlemen then compeared to give evidence, viz :—Mr JAMES WRIGHT, licensed grocer, 53 Tolbooth Wynd, Leith; Mr JOHN HENDERSON, licensed grocer, Penicuik; Mr THOMAS RAE, of Alexander Rae & Co., licensed grocers, West Calder; Mr JOHN DAWSON, of J. & J. Dawson, licensed grocers, Alloa; Mr JAMES COWBROUGH, of Messrs Cowbrough & Mercer, licensed grocers, Stirling; Mr D. M'EWEN, of Messrs D. & J M'Ewen, Stirling.

31. Mr JAMES COWBROUGH, examined.

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Cowbrough.

1789. *The Chairman.*—You have been thirty years in business, have you not, Mr Cowbrough?—Yes.

1790. Will you kindly make the statement of your evidence which you desire to make?—I shall read it as I have it here. 'I am senior partner of the firm of 'Cowbrough & Mercer, general grocers, wine and spirit merchants, Stirling, with branches at Callander and Bridge of Allan. My firm has been upwards of thirty years in business, and last year built new premises at Callander at a cost of nearly £3000; three years ago they expended £2000 for their principal shop at Stirling, and £600 on their Bridge of Allan branch, fitting them all up expressly for the better accommodation of the combined business, and paying annually nearly £80 of licences. They have three shops in Stirling, one of these being the principal, the other two being branches, and at all these I have had great experience, and coming in contact daily with the upper classes, and respectable tradespeople and artisans. (1.) This would entail great loss upon my firm, having invested so much capital in property and fitting up premises for the purpose of carrying on the business combined, and would be a serious disadvantage to the customers of all classes, who have been in the habit of getting their supplies, wine, spirits, and ales, from the grocer. (2.) There has been an increase of the sale of wines, spirits, beer, &c.,—this, I think, arises from the higher wages of the working classes, and the general increase of incomes, and the increase of the population. (3.) My firm has never, before or after the Forbes Mackenzie Act was introduced, sold spirits, wine, or beer on the premises, and have no difficulty in keeping by the Act. (4.) I do not think this would tend to

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 — would have the opposite effect at one of the branches.
 James 'The sale is principally in 2 gills, 1 gill, and $\frac{1}{2}$ gill quan-
 Cowbrough. tities, it being situated in a populous district. If that
 — was stopped I believe those customers would go else-
 'where, or purchase the larger quantity, thereby increas-
 'ing the sale. (5.) I do not think the grocers' licences
 'have tended to increase drunkenness, but has an
 'opposite tendency, the people taking their supplies to
 'their own homes, where they are under the restraint of
 'their family. At my firm's principal shops in Stirling,
 'Bridge of Allan, and Callander they send wines and
 'spirits to the surrounding country districts, and to
 'various places in England, principally for family use.
 '(6.) I am not aware of a single conviction against
 'licensed grocers in the neighbourhood. (7.) I would
 'recommend that grocers be forced to close earlier both
 'on week days and Saturdays. (8.) My firm have vans
 'going to country districts, that make no sales of any
 'goods, or liquors, but simply for the accommodation
 'of customers delivering their orders.'

1791. *Mr McLagan*.—Would you open later in the mornings?—Yes.

1792. *The Chairman*.—Do you propose that they should be forced to close earlier?—There is a difficulty in that. In regard to our shops at Callander and Bridge of Allan, I may say that there are numbers of families, or rather the heads of families, who come with the late train which reaches Callander somewhere after 9 o'clock. In a good many instances the heads of families like to have wine, beer, or spirits. In such cases that has been ordered by the party himself; and I think that if we were closed it would be a disadvantage to the community.

1793. *Sheriff Crichton*.—Have you anything to suggest with regard to the hours?—I think that from 8 in the morning to 7 o'clock at night would do, Saturday's inclusive.

1794. *The Chairman*.—Would you be content that you should not be allowed to sell except at least within the same hours as the publicans?—Yes.

1795. I understand that your business is a high-class business. I also understand you to say that there might be truth in the allegations made against small dealers which would have no reference to such a business as yours?—We have two branch shops in poor districts in Stirling.

1796. We don't wish to ask you for any admission. No doubt if we did, you would have no difficulty in replying. But in your business, even in the poor neighbourhoods, are your people told to keep within the limits of the law, and never to sell liquor in the shops to be consumed there?—They never do so—never to my knowledge. It is one of the particular terms of engagement with our servants that they are not to do any such thing.

1797. Do your customers sometimes send in open vessels for their whisky?—No.

1798. Do you decline to serve whisky in open vessels?—Yes; that is the rule of our business.

1799. *Mr Campbell Swinton*.—In what kind of vessels do you sell?—In bottles.

1800. Are these bottles corked?—They are.

1801. *Sheriff Crichton*.—Do your customers come and give you an empty bottle, and do you give them a full one?—They come with the bottle, and we fill it and cork it.

1802. *The Chairman*.—Would you have any objection to the law requiring the sale of liquor to be only in sealed bottles, whether the quantity was large or small?—For myself I would not, but to such a thing generally I would have objection. In the first place you entail on the customer the price of the bottle, which at all times you would not get, and then you make them buy a quantity such as they would not otherwise buy.

1803. As regards the price of the bottle, you could allow for that, could you not?—Yes.

1804. As regards the quantity, it would be a question what that quantity should be. It might be a single gill, might it not?—Yes. Still there is a very great hardship in insisting that the trade should seal up all their bottles.

1805. The evil that is alleged—which is evident, if it

exists—is that in many places girls and even children are sent with a jug to get whisky, and that some of them get into the habit of tasting it?—That has never been the case in my experience.

1806. But you can see, can you not, that in the poorer class of business that might very easily be done?—Very easily.

1807. Do you find that young people are sent?—Yes.

1808. *Mr Campbell Swinton*.—How do you know that they don't taste it?—Just because we cork the bottle.

1809. *The Chairman*.—Is it the rule of your business that the bottle has always to be corked?—Yes.

1810. Would you object to its being sealed?—No, excepting for the labour of sealing it.

1811. *Mr Campbell Swinton*.—Is it corked so tight that a child could not draw the cork without a corkscrew?—Oh yes.

1812. *The Chairman*.—It has been suggested that it would be difficult to prevent unprincipled people, who did not respect the law, from selling whisky over the counter to be consumed on the premises if there is any whisky not corked allowed in the shop: do you think it would be unfair that there should be no barrels on tap in the shop, and nothing but bottles?—That would just entail a great amount of labour on the merchant.

1813. *Mr Campbell Swinton*.—It would be quite a different kind of business from what is done at present?—Yes, quite.

1814. *The Chairman*.—Have you anything more which you would like to say personally?—No, excepting that I would rather adopt the gill bottle than the quart or pint bottle.

1815. *Mr Campbell Swinton*.—It is in the interests of sobriety that you say that?—Yes.

32. MR JAMES WRIGHT, examined.

1816. *The Chairman*.—Do you concur generally with what Mr Cowbrough has said?—Yes, I concur with most of what he has expressed. I should rather like, however, the hour for closing to be 8 o'clock. For Leith that hour would suit much better.

1817. You would prefer that the law should forbid that any licensed premises should be kept open after 8 o'clock?—Yes, with the exception of Saturday night, when an hour later would be quite sufficient.

1818. Is it necessary to do that for the protection of those who close early?—I think it would tend to the sobriety of the town.

1819. Do you mean publicans to be included within the operation of such a law?—Yes, I mean that hour to be adopted in regard to the sale of spirits in every kind of house.

1820. You would not be quite content to be closed compulsorily when the publicans are allowed to keep open till 11 o'clock?—I could not see the use of that.

1821. *Mr Campbell Swinton*.—Do you see any use in opening sooner than the publicans?—No.

1822. Then you would be content not to open for the sale of any other commodities than liquors sooner than the publicans?—I would be quite content.

1823. *The Chairman*.—Are you aware of any back-shop drinking being done in Leith?—No.

1824. Were you ever asked to enter other goods in pass-books when liquors were obtained?—Never.

1825. I understand that you wish to deny that treating was ever practised on your premises?—Most decidedly. I never heard of it.

1826. What do you say about the question of limiting the sale of a definite quantity?—I think it is very well that it should remain as it is, because in the case you mention it would send people to the publichouse. As far as I am concerned I would not care whether it was sold in a pint bottle or in any other quantity—it would make no difference to me; but in the interests of the community I would object to a definite quantity being fixed upon. I think it would be wrong to send people

to the publichouse. It would be confiscating the business of the licensed grocer to the publican, and I think the grocer's shop is a more desirable place for families to get spirits from than the publichouse.

1827. Do you supply spirits in open vessels?—No.

1828. Should you personally be opposed to the prohibition of the sale of spirits in open vessels?—Certainly not.

1829. *Mr Campbell Swinton*.—If a person came with a tea-cup to be filled with whisky, you would not sell whisky to him, would you?—Certainly not.

1830. *The Chairman*.—You wish, do you not, to dispute the allegation that licensed grocers are enabled to undersell unlicensed grocers from the profits derived from the sale of spirits?—I do.

1831. You say, in fact, do you not, that each article requires its own profit?—Yes. We charge perhaps a little more percentage of profit on spirits seeing that we have the licence to pay for it, but with that exception we make everything stand by itself.

1832. Do you repudiate the idea that the licensed grocers can undersell the unlicensed grocers from any such advantage as I have hinted at?—I repudiate it altogether.

1833. You wish to say something also in regard to the time for spirits to lie in bond, do you not?—Yes. The allegation has been made that there are enormous profits taken on spirits, and I wish to bring out that the licensed grocer matures all his own spirits, and that no exorbitant profits can be taken. In doing a business there is such a competition that we cannot get those enormous profits that have been referred to.

1834. Do you mean that, from various causes, spirits would not bear any profit at so low a price?—At a low price the article would not. We must take a reasonable profit certainly, but the competition in trade is such that we cannot get the enormous profits which the unlicensed grocers speak of. When they see us selling dry-ware goods at lower prices than theirs, the reduction does not arise from the cause to which they attribute it. Usually the licensed grocer has a higher class trade than the unlicensed. He buys largely and buys in the first market, and often saves a profit; so that it is not from profit on spirits that the difference is made up.

1835. Have you anything else to state for yourself?—I have not.

33. Mr THOMAS RAE, examined.

1836. *The Chairman*.—Do you concur in what has been already said by Mr Cowbrough and Mr Wright?—Generally I do concur with what they have said. I have, however, a word to say with regard to the hour for opening in the mornings. I think that if we were tied up from opening the shop until the hour when spirits or excisable liquors could be sold, a hardship might sometimes be experienced. In country districts, where we have to drive a considerable distance, it is no uncommon thing now and again to send away a van as early as half-past 7 o'clock or between 7 o'clock and half-past 7. In that way it might act as a drawback if we were prohibited from opening the shop until the hour when we could sell liquor.

1837. But sending your own van away with goods for delivery would not be opening your premises for the sale of drink?—I daresay not, but still the premises must be opened.

1838. At the present time you could not send away the van if there were whisky or spirits in it?—At present the opening hour with us is half-past 7 o'clock, but no liquors are sold until 8 o'clock. Although we open at half-past 7, the shutters are not taken off till 8.

1839. *Mr Campbell Swinton*.—What commodities do you sell, then, before 8?—Little or nothing.

1840. Then you would not care whether you opened till 8 or not?—No; I don't think it would be any very great restriction; only I think I would not like that we should be tied down so as not to be able to send away the van.

1841. But you are tied down just now if there is any whisky in the van?—I was not aware of it. I send out no whisky for sale unless it is ordered. It may be sold the day before or two days before it is sent away.

1842. *The Chairman*.—You disclaim, do you not, ever having allowed liquor to be consumed on the premises?—I do indeed, or sold for consumption on the premises.

1843. If you even suspect a man coming to buy a gill of whisky to be drunk on the pavement outside, do you sell it to him?—I am so strict that if a man comes in wishing for spirits, and even hints that he is to consume it on the pavement, I do not allow him to have it.

1844. In the *precis* of your evidence you say that you are in the habit of exercising some discretion in selling spirits: how do you exercise that discretion? Do you sell any on credit except to respectable people?—Not excepting to those whom I can trust. If I can trust them for goods, however, I see no reason why I should not trust them for whisky. I may also say that I have customers in the working class of people, to refuse liquor to whom if they came in asking for a quantity, large or small, I would feel very much. They also would feel it, and take it as an insult, and possibly never enter the shop door any more.

1845. Have you known your debtors whom you have been obliged to summon object to pay the whisky in the accounts rendered to them?—Yes.

1846. Has the amount for the whisky been taken off in such cases?—Yes.

1847. That makes you more careful about credit in the future, does it not?—It does. I had one case of a man who was going to America, and who was due me a little over the imprisoning sum. I knew that he had plenty of money to pay me, and that he did not mean to. I went to the expense of getting a petition prepared for a *fugae* warrant. The petition was drawn out, when the agent luckily asked me if there was spirits enough in the account to bring it below the imprisoning sum. I said I did not exactly know, but I was afraid there was, and in short I lost the money rather than run the risk of it. It would have landed us in a Court of Session case.

1848. I understand you to object to the limitation of the quantity to a quart bottle?—I think it would be an inconvenience, and would inflict a hardship upon the poorer class in many ways, especially if the limitation was made in the case of such articles as brandy, wine, gin, and such like, which are mostly used for medical purposes only. To force customers to buy even a sealed pint would be too much. They generally go to the grocer's for these articles.

1849. What is your opinion about requiring the sale of liquor to be in sealed bottles, but allowing them to be of a small size?—Is not that a provision already in the Licensing Act?

1850. Not in Scotland?—I understood it was—I understood that we must sell the bottle properly corked, and such has been my practice.

1851. Then it would be no hardship for you to do so in the future if that was made obligatory?—Nothing but the size of the bottle would be a hardship. I daresay a gill bottle would not be going too far.

1852. *Mr Campbell Swinton*.—But even a gill you always sell in that way?—Yes, properly corked. I invariably do so.

1853. *The Chairman*.—Is your sale of whisky very large?—I can't say what the rest of the sales in the same trade are; but I don't think that our sales are small, although there are no doubt larger businesses done. There is one business which has been established since 1818. That firm does a very large business, larger than ours, in whisky.

1854. What have your sales been?—In 1871 they amounted to 1600 gallons. Last year—that is, from the 1st June 1876 to the 3d May 1877—they amounted to 900 gallons;—that is, the spirits of all kinds received into stock.

1855. Is any very large portion of your sales in very small quantities?—I should say about a half.

1856. How small are the quantities?—From half gills

EDINBURGH.
—
Thomas Rae.

EDINBURGH. up to two gills, and in some cases a pint bottle. There are a good many cases of the pint bottle.

Thomas Rae. 1857. At present do people bring their own bottles?—Usually they do when the quantity asked for is under a pint. When they buy a pint or a quart the custom in our part of the country is to give the bottle free.

34. Mr JOHN DAWSON, examined.

John Dawson.

1858. *The Chairman.*—Is yours also a large business?—It is a pretty large business.

1859. Do you concur generally in what has been said?—Yes. With regard to the hours, I think that they should be shortened to 9 o'clock, and perhaps to 10 on Saturday nights.

1860. Would you be willing that the hours of the licensed grocers should be shortened if publicans are left as they are?—I think the publicans ought to be closed earlier too.

1861. You would not be content that you yourself should be compulsorily shortened within the publicans' hours?—I would be well enough pleased, but I think it would be very unfair to the trade.

1862. But you would have no objections, would you, that you should not be allowed to open your shop at all at an earlier hour than the publicans?—We never open before 8 o'clock.

1863. Then you would not think it unjust, would you?—No.

1864. The reason for asking that question is, we have had positive evidence that in some places licensed grocers of an unscrupulous character supply working men on their way to their work in the morning, or when at their work—such as carters and so on?—I don't think that is the practice in Alloa; at least I am not aware of it. Eight o'clock is the recognised hour amongst licensed grocers for opening.

1865. Is it your experience that a large part of your own sales is in small quantities?—About a fourth of them.

1866. Do you find an increasing sale among females?—No. I may say that I took an average of our sales for the last five years, and I don't think they varied ten gallons more or less on the whole five years. So I think that is evidence that there is no increase in our trade at any rate, and ours is a better class trade.

1867. I understand you to claim for your trade that generally the members of it are as scrupulous as yourself in observing the law, though you admit that there are what may be called 'black sheep' in it?—I admit that there are.

1868. Have you yourself observed breaches of the law, particularly in respect of drinking on the premises in the smaller grocers' shops?—I have occasionally observed such things.

1869. Have you reason to believe that it does exist?—Yes.

1870. It is not a thing that is very easy to remedy; but how would you say that that sort of thing could be put down?—I would suggest that something like a penalty should be attached to the party coming in and demanding the liquor. I think the law recognises that principle in other matters—that a person who acts as aider or abettor or resetter is punishable; and a man who comes in and asks for liquor is an aider or abettor, and is certainly the resetter, because he receives the liquor and consumes it.

1871. If whisky on draught is on the shelf, and if an unscrupulous or needy man has the temptation of making a sale in that way, do you think he would give way to it?—Yes, I should suppose he would.

1872. Is there any other way of remedying the evil than by not allowing it to be on draught in his shop?—I don't think so; for, as has been said by a previous witness, the head can be knocked off the bottle, even although it is a sealed one.

1873. Would you personally have any objection to being required to keep nothing but bottles of spirits in the saleroom?—It would be a matter of great incon-

venience to do so; it would be very awkward occasionally, should there be only one person in the shop at the time, to go to the cellar for a supply.

1874. *Mr Campbell Swinton.*—But could you not have a number of bottles ready in the shop?—Yes, but the supply may run done some time, and you may require to go to the cellar.

1875. Would it be an inconvenience to fill the bottles the night before?—Then you would require to know the sale of the following day before you could do that. I should suggest as the proper remedy that the authorities should fine both the grocer and the purchaser alike.

35. Mr D. McEWEN, examined.

1876. *The Chairman.*—Do you concur generally in what has been said?—Yes.

1877. You pay annually about £70 for licences, and you have expended upwards of £5000 in building and fitting up premises?—Yes.

1878. You have had charge of your establishment for nearly twenty years, have you not?—Yes. We have four shops, two in Stirling—our principal establishment in the new town, the other, which my firm have held for over seventy years, in the old town; one shop in the Bridge of Allan, and one in Callander. For nearly twenty years I had charge of our shop in the old town, which is now our smallest branch, and where small quantities of spirits are principally consumed. In that neighbourhood the population has quite changed within the last ten or fifteen years. Broad Street, where our shop is, is now inhabited by the working and poorer classes, and our shop is chiefly frequented by them, and the sales are almost entirely in small quantities—from half a gill to two gills.

1879. Do you think your customers could be got to buy in rather larger quantities, or in pint bottles?—No,—at least as regards our customers in the old part of the town; I think in that part of the town they would just be driven to the publichouse.

1880. You mean that they could not be induced to accept just the dram they wanted at the time?—They would be either driven to the publichouse or club together and buy a bottle and then go home and drink the liquor. I think that would be the result if you limited the sale to a pint bottle or a quart bottle.

1881. There are 2½ gills in a pint. Now if a pint would serve five of them, there would be no harm in that, would there?—But I think you would find that two would consume a pint.

1882. You think, do you, that it would increase the quantity the individual would drink?—Yes, if you limited the sale to pint bottles, my opinion is that such a limitation would not be beneficial for the working classes.

1883. Suppose you could have the liquor in half pint bottles and insure that they would be properly closed, what would you say to such a proposal?—I would be inclined to agree to the proposal to have the liquor in gill bottles and half pint bottles. The imperial pint is the eighth part of a gallon, and a half pint consists of 2 gills.

1884. What do you think of the proposal that has been made to separate the provision trade from the liquor trade, although in the hands of the same person, who would then have to keep separate shops?—I don't see that it would do any good. It would create additional expense to the merchant. I cannot see any benefit that the public would derive from such a change.

1885. I understand you think that if you were limited to a quart bottle, it would rather increase than diminish your sale, because the people would have to buy more than they wanted?—I have no doubt that at three of our shops—at our principal establishment in the new town of Stirling, in Bridge of Allan, and Callander—the sales would be increased if we were to limit the sale to a pint or a quart, more particularly if it were limited to a quart.

1886. Do you sell at all in open vessels?—Never.

1887. *Mr Campbell Swinton*.—If a person came with a tea-cup for liquor, what would you do?—Refuse to give it.

1888. Would you tell them to go back and bring a bottle?—I would tell them they must bring a bottle or they could not get it.

1889. *The Chairman*.—Is it your belief that the licensed grocers in your town, are generally strict in observing the law?—I think they are: there may be evasions which I don't know about, but speaking for myself and from my own experience, and the experience of my firm, we strictly carry out the provisions of the Act, and I see no difficulty in doing so.

1890. But you are in a large way of business: can you speak with confidence for the small licensed shops in the back streets of the town?—I cannot speak for them. I can speak about our own small shop where the sales are in small quantities, and we have no difficulty whatever in carrying out the provisions of the Act.

1891. Are you often asked to sell over the counter?—Not frequently, because the public know that we will not give it.

1892. *Mr Campbell Swinton*.—The small shops belonging to your firm are kept by persons whom you send, and whom you know about and supervise?—Yes.

1893. You have charge of such a shop yourself, have you not?—No; our branch shops are kept by managers, and our instructions are on no account to sell for consumption on the premises.

1894. *The Chairman*.—Have you any opinion as to whether licences ought only to be given to persons who have been apprenticed to the trade?—I am decidedly of opinion that no person should get a licence unless he has been bred to the business. There are too many in the business that have not been bred to it, and you will, I think, find that they are principally the offenders: it is they who take up small houses in villages and in thickly populated districts.

[The Chairman asked the witnesses along with Mr M'Ewen if they concurred in this evidence. They replied that they did.]

1895. Have you any reason to give for the opinion you now express? Is it that some take up the business merely for the sake of selling spirits?—I cannot tell that. There is, however, a prevailing opinion that anybody can be a spirit dealer and grocer. After they have a little money they apply for and get a licence in some small village or thickly populated place for a low-rented shop; and it is there I think that the Act is mostly evaded. There is one thing I should like to mention which I have not yet referred to—viz, the question of back-doors. This question has been taken up by some other witnesses. We have no back doors in any of our establishments for access to the public. In our shop in Broad Street, Stirling, that part of the town inhabited by the working classes, we have no back door at all. In our other shops we have communication from the shop to the cellars and stores behind for the purpose of taking in and putting out heavy goods. This communication we could not shut up without great inconvenience and causing annoyance to our customers, our premises being specially constructed to avoid heavy packages being conveyed through the shop, and to afford direct communication to the cellars and stores.

1896. *Mr Campbell Swinton*.—But in your own small shop there is no necessity for a back door, is there?—No.

1897. *Sheriff Crichton*.—Is that back communication in the large shop on a level with the ground behind outside?—Yes. Another question that has been brought up in the course of the evidence is the practice of travellers treating grocers. In all my experience I never heard of such a thing.

1898. *Mr Campbell Swinton*.—Do you mean grocers treating travellers?—Or travellers treating grocers.

1899. *The Chairman*.—Does that mean drinking the samples?—No. I rather understood the evidence to mean treating the grocer—that the party getting an order stood treat in the shop.

1900. *Mr Campbell Swinton*.—You mean treating him to his own liquor?—Yes, buying it. I think the trade generally would be insulted by such a thing.

1901. *The Chairman*.—Has any other gentleman anything to say with regard to the evidence given the other day?—*John Dawson*.—I have a statement to add to the evidence I have already given: it refers to what Mr Salmond said about Alloa. I called upon most of the licensed grocers in Alloa with reference to what he said. There are fifteen of them in Alloa; and I find that Mr Salmond only called upon two. One of these two is since dead, but his widow says that during her husband's lifetime Mr Salmond called upon him, but since that time he had not called. Both parties are so thoroughly respectable that I have not the least doubt that Mr Salmond never got drink in their shops or saw any one get it. I don't know how he is able to make out 159 visits over so short a period of time as something like eighteen months when he was on the road.

36. Mr JOHN HENDERSON, examined.

1902. *The Chairman*.—What have you to state in regard to the question before us?—I have the same thing to state in regard to Penicuik that Mr Dawson has said in regard to Alloa. Mr Salmond is a man who was very little known; very few know anything about him. I have been inquiring at my fellow grocers about him, and they know little about him. They have seen the man two or three times, but he did not go to Penicuik regularly at all, and he did not call, so far as I know, on the licensed grocers regularly. I don't know who he called upon; but at all events they know nothing about him, and they are all aware that he never got anything in their shops. I can say for myself that he got as little in mine, for he got nothing at all there. I did not like the fellow; he was a strange sort of character, and I must say that I disliked him. I ordered him to the door; that was the order he got from me.

1903. *The Chairman*.—Did he call upon you? His statement is not that he got drink or gave drink in the shops, but that he saw it consumed?—He never saw it consumed or given in such a way in my shop, I am quite certain; and I am quite sure that I could say for my brother licensed grocers in Penicuik that they would not show him anything of the kind in their shops, because it would be a great means of damaging their trade, which I am certain is respectable.

1904. Is not your business a little peculiar in the fact of its being among the workers at the paper mills?—Yes, but it is also among the farmers in the district round.

1905. Is it also among the miners?—Yes.

1906. Do you sell a great deal of liquor in very small quantities?—Yes, we do sell a good deal; still we sell three gallons in large quantities for one in small quantities. We send a great deal of spirits away—for instance, to Edinburgh and to London too.

1907. But in addition to your large business, do you sell much in gills and half gills?—Well, we have a good deal of that too, but as I have already said, by far the largest quantity is sold in large quantities.

1908. How are the small quantities taken away?—In bottles—gill bottles and half-mutchkin bottles.

1909. *Mr Campbell Swinton*.—Are they sealed or corked?—Yes, they are all firmly corked.

1910. *The Chairman*.—Would you think it a right thing, supposing that in many places the liquor is sent away in open vessels, that the law should require that it should only be sold by the grocers in bottles?—I think it is right that it should be sold in bottles and corked up.

1911. *Mr Campbell Swinton*.—Would you refuse drink to a person who brought a tea-cup to contain it?—Yes; I have done so before this time.

1912. *The Chairman*.—Do you think it a good thing that work people should be able to get their spirits and take them home instead of going to the publichouse for them?—I would think so; I think they always prefer that. I have the husband and wife coming to the shop sometimes, and they prefer taking a little drop with them to going to the spirit shop or publichouse.

EDINBURGH.

D. M'Ewen.

John Henderson.

EDENBURGH. 1913. Do the women often come for spirits themselves?

—Oh yes, sometimes.

John Henderson. 1914. Do they send children for it also?—Occasionally they do.

1915. Have you any reason to think that they get the spirits home and drink it when their husbands are from home?—I think it would be the very lowest class who would do that—those who wish not to let their husbands know what they are doing. I believe that that kind of thing is known to exist.

1916. Have you ever heard of a grocer being asked to make a false entry in regard to whisky in the pass-book—entering whisky in another name?—Never; I never heard of anybody doing anything of the kind. Besides, it is not necessary; at all events I don't see the necessity. They can easily get ways and means of doing without that.

1917. *Mr Campbell Swinton*.—Would it not enable a man who wished to do what was wrong to recover the money if he gave credit for the whisky, and who could not recover the money if the whisky was put down as whisky?—That might be; but in such a case the man might dispute the account if he saw that it was getting larger than it ought to be: it might be noticed in that way. Anybody who knows anything about housekeeping, and knows what quantity of goods is required for a week, would soon discover that; at all events I think he should discover it, unless he is a man little acquainted with housekeeping.

1918. *The Chairman*.—None of you, gentlemen, who are now before us, profess to represent the small class of grocers?—*Mr McEwen*.—No.

having said that—*Pairman Brothers* in St Andrews, Kinross, Milnathort, and other places. Now, he never represented them there. The report would lead any one to understand that he did.

1922. If you did not think it your duty to take notes, did you as matter of fact see breaches of the law in the matter of selling and consuming on the premises?—Yes, I have seen breaches of the law committed.

1923. Frequently?—Not very frequently, and not among the better class of grocers at all.

1924. But then you say you had not much business among the small class of grocers?—No.

1925. *Mr Campbell Swinton*.—What did the breaches of the law consist of—people taking a dram merely, or sitting down to drink?—I think the breaches of the law commonly consisted in people coming in who were acquainted with the grocer, and who might pay for what they got or might not. I never indulged in the practice myself. The people I saw coming in were such as thought they had liberty to come into the grocer.

1926. *Sheriff Crichton*.—They merely got a dram across the counter, did they?—No; they appeared rather to go into the back shop; still they were acquaintances of the grocer.

1927. *Mr Campbell Swinton*.—Did they come in to get a single dram, or did they come in to sit down and drink?—Not to sit down. I don't think it is customary to make a back shop at any time an opposition to the publichouse.

1928. But that may exist, may it not?—Yes, and I believe it does exist among the smaller class of grocers.

1929. But you don't know much about the smaller class of grocers, do you?—No.

1930. *The Chairman*.—For the rest of what you have to say, you concur, do you not, in what has already been said?—Yes, in all that has been said.

38. Rev. JOHN PIRIE, Minister of Cowgate Free Church, Edinburgh, examined.

1931. *The Chairman*.—Have you paid attention to this particular subject of our inquiry?—Not particular attention to it; I have paid a good deal of attention to the matter of drinking generally, but not as regards the peculiar aspect of it under your Commission.

1932. Have you come to-day with the intention of making any particular statement?—No; I have not been asked to make any, and I did not come prepared to do so.

1933. We were under the impression that you had come rather to support the case of the licensed grocers?—Certainly not. I have nothing to choose between the one and the other. I am not sufficiently familiar with the matter of drinking or selling drink in shops, to make any definite statements on that subject.

1934. What would be your opinion, from your knowledge of the working classes in that part of the town—if they are to have spirits—as to the comparative advantages of buying them and taking them home, and going to the publichouse?—The matter of drink licences in the Cowgate is simply so overwhelming that I really have nothing to choose between the two. We have 31 licensed shops in that street, and it does not make much difference to me, or to the people there, suppose you abolish all the grocers' licences together, or all the public-house licences together. You should sweep away the whole pack of them if you expect us to raise the classes in any respect whatever.

1935. You think there are so many of one kind and another that every man has one at his hand?—Yes; he has only to cross the street for a supply. If he issues from any one of the closes in the Cowgate, he issues between two shops, one on the right hand and the other on the left, and two flanking him on the opposite side.

1936. It is your opinion that the drinking habits are greatly increased by the great number of houses open, is it not?—My opinion is that it has caused and effected that. Whether it be that the demand creates the supply, or the supply the demand, this legalised

John Buchanan.

37. Mr JOHN BUCHANAN, Licensed Grocer, Crail, examined.

1919. *The Chairman*.—Do you concur with the witnesses who have just given their evidence?—Generally I concur with what has been said; but I should like to say something as to what my experience is as a commercial traveller,—an experience which I don't think has as yet been touched upon. I shall read what I have to say upon that point. I have had twenty-five years close connection with the licensed grocery trade,—eight years as an assistant in licensed shops, thirteen years as a commercial traveller, and four years as a licensed grocer on my own account. During my experience as a traveller I never found it expected that I should treat or be treated; customers would have been surprised had such been proposed. The consumption of drink on the premises by the better class of grocers is not encouraged. I know that there is a class of grocers who encourage back-shop drinking; but as a commercial traveller I did not consider them as likely to be suitable customers for my employers. Seven years of my experience as a traveller was in the service of Messrs Pairman Brothers, calling chiefly on the better class of grocers from Berwick-on-Tweed on the east to Perth on the north. I did not consider it as part of my duty to take notes as to how often I observed grocers breaking the law, but rather considered it my duty to take notes in the interest of my employers. As a grocer I find it perfectly practicable to conduct my business according to the present law. I have always felt that it is a mistake on the part of magistrates to grant licences to parties not bred to the trade, who only desire to eke out a livelihood in this manner along with some other trade.

1920. *Sheriff Crichton*.—How long were you with Pairman Brothers?—It is four years since I left them. Mr Salmund did not succeed me, but he was in their employment after I left them. He did not take up the same ground either. I may say that he did not visit the places he mentioned, or at all events many of them, as a representative of Pairman Brothers. Who he was with at the time, I don't know, but he did not represent them in those places at all events.

1921. *The Chairman*.—He said that he was three years in the employment of another party before he was with Pairman Brothers?—That may be. But for instance, he said he represented—or I took him up as

machinery for making drinking is simply enormous in the Cowgate.

1937. We have heard a good deal about the fact of the licensed grocers' houses and the drinking habits among women. It is said that women who are rather respectable, and wish to be thought respectable, shrink from going to a publichouse but don't mind going to the grocer's and buying a little whisky unnoticed. Has anything of that kind come under your notice?—I think taking the poor people in the Cowgate generally, they are so familiarised with buying drink and drinking drink that it makes very little difference whether they get it in the grocer's or in the publichouse; I think they are so demoralised by the enormous quantity of drink sold all around that they are about as familiar with the one as with the other. I have heard statements repeatedly to the effect that families have been led to prefer the one out of some sort of self-respect; but I am not prepared to condescend on particular cases: I have heard a good deal about it, but I have not particularly watched the shops.

1938. All the evidence you are prepared to give is something like what we have heard from other clergymen, viz., that in the poorer parts of the town there is a great deal too much drinking, and that the temptations to it are too many?—Exactly so; and I would add that unless you proceed by a very large reduction of publichouses—not to speak of their entire abolition—you will never succeed in elevating these people; you must remove the superincumbent load before you can raise them to anything like a respectable status. I have toiled for twenty years among them, and I have just succeeded to a very small extent in spite of this tremendous opposition that we have from the whole licensing system.

1939. *Mr Campbell Swinton*.—There is nothing to choose, you think, between the publichouse and the grocer so far as the Cowgate is concerned?—Very little indeed. As a class of men, I think the grocers are a highly respectable class, and I have no facts in my possession of particular breaches of the law. I have not been accustomed to take note of such things, and I am not prepared to testify as to such things.

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| 39. Mr ROBERT FISHER, jun., of Robert Fisher & Son, Licensed Grocers, Dunfermline, | } examined. |
| 40. Mr DAVID BLELOCH, Licensed Grocer, Dunfermline, | |
| 41. Mr JAMES MEIKLE, Licensed Grocer, Cowdenbeath, | |

1940. *The Chairman*.—Mr Fisher, you are secretary, are you not, to the Dunfermline and District Licensed Grocers' Association?—*Mr Fisher*.—I am.

1941. Will you kindly make the statement you have to make?—I was not prepared to come here; I was not precognosed in reference to your inquiry. It was my father who was cited, but having a pre-engagement he had to go from home, and I have had to appear for him.

1942. Do you and the two gentlemen with you generally concur in the evidence that has been given to-day by the other gentlemen in your trade?—Yes; we concur in the most of what has been said.

1943. Dunfermline is a town of 18,000 inhabitants, is it not?—Yes.

1944. How many licensed grocers has it?—It has 54 licensed grocers, 31 publichouses, and 9 hotels.

1945. How many grocers are there connected with your association?—56.

1946. How many of these are in the town, and how many in the country?—43 are in the town and 13 in the country.

1947. Do all of them support the statements you make to us?—Decidedly.

1948. The district takes in Kelty on the north, Inverkeithing on the south, Cowdenbeath on the east, and Torryburn on the west, does it not?—Yes; there is a radius of about six miles round the town.

1949. Have the association come to any resolution as to the present law? Do they desire any change?—On the 16th May last year the committee met with reference to the shortening of the hours, and unanimously adopted a resolution in regard to that. That resolution was submitted to a meeting of the trade held a week after, and the whole trade were almost unanimous in having the hours of business shortened.

1950. Do they wish them to be shortened by law or by agreement?—Most of the trade, or at least the respectable portion of the members of it, shut at present at 8 o'clock, some of them in the principal thoroughfare even at 7 o'clock.

1951. Then they would not object that in any new Act the licensed grocers should not be allowed to open earlier than the publichouse, viz., at 8 o'clock in the morning?—They would not object to open at 8 o'clock. In this the other two gentlemen along with me quite concur.

1952. *Sheriff Crichton*.—And you would agree to close at 8 also, would you not?—Yes.

1953. *Mr Campbell Swinton*.—Even if that were brought about by legislative provision?—Yes.

1954. *The Chairman*.—Would you be content to close at 8 o'clock if the publichouses were open to 11?—There ought to be a restriction there, seeing that the most of the drunkenness takes place at night.

1955. Should you be content to have a different law in that respect for the licensed grocers?—I have no objection so far as my firm is concerned, but Mr Bleloch is president of our association, and might have something to say in regard to that.

1956. *Sheriff Crichton*.—You yourself would have no objections to that?—No.

1957. What do you, Mr Bleloch, say in regard to that?—*Mr Bleloch*.—I would like it.

1958. *The Chairman*.—Was it by charges that were made against the trade, Mr Fisher, that the association were actuated?—*Mr Fisher*.—Yes; the respectable portion of them felt disgusted at the accusations brought against the trade, and wished to move in this matter.

1959. Then you make a distinction between the respectable portion of the trade and some who are less scrupulous?—Yes, there are some who are less scrupulous, but of course I cannot speak for them.

1960. Do you not represent all the licensed grocers of the district?—There were a few objectors, but I would say that the whole of the respectable grocers at the meeting, or connected with the association, were unanimously in favour of having the hours shortened. The movement took place with reference to a suggestion made by the Edinburgh people to have a clause inserted in Dr Cameron's bill, which was then before Parliament, to have the hours of business shortened.

1961. *Mr Campbell Swinton*.—Then you say the suggestion came from Edinburgh?—Yes; and had the people of Edinburgh taken the initiative, the provincial towns would have followed; certainly I can say for Dunfermline that it would have done so.

1962. *The Chairman*.—Is it your impression that throughout Scotland they would prefer to close at 8 o'clock and a little later on Saturdays?—Yes. Commercial men calling upon licensed grocers throughout Scotland have ascertained the general feeling of the trade in this direction, and their opinion as well as my own is, that no great hardship would be incurred were the whole trade put upon an equal footing in this respect; in fact, I believe it would be hailed as a boon by all respectable men who wish to see the trade conducted in an honourable way.

1963. *Mr Campbell Swinton*.—It would be a relief to you, would it not?—Yes.

1964. *The Chairman*.—What is your opinion as to the proposed limitation of the quantity to a reputed quart bottle as the minimum to be sold?—So far as our trade is concerned (it is a family trade) I have no objections to see it limited to a pint bottle; others, however, would object to that, and would probably wish it to be a gill.

1965. You think it would not suit some classes of business?—It would not suit in some localities where the poorer class of customers live.

EDINBURGH.

Robert Fisher;
David Bleloch;
James Meikle.

EDINBURGH. 1966. *Sheriff Crichton*.—You have heard a suggestion in regard to the apprenticeship of traders, have you not?—Yes, and I think it would be for the advantage of the trade.

*Robert Fisher ;
David Bleloch ;
James Meikle.*

1967. You mean that none should enter excepting those who have served an apprenticeship?—There are some respectable men who have not served an apprenticeship to whom I would not object; but I would leave that matter to the magistrates.

1968. It has been said that the shop should not be connected with the dwelling-house: have you any view in regard to that?—Of course if there is no internal communication I do not see that any evil results would arise from having the house above the shop.

1969. You would be against there being any internal communication, would you?—I would indeed.

1970. *The Chairman*.—Would you be in favour of some rule being drawn up by the magistrates as a test of the sufficiency of the house?—There should be a rental test; but of course that would not do in some localities either.

1971. You think it should vary, do you?—Yes.

1972. Do you desire to dispute, as far as your knowledge goes, the statement that women are led to indulge in habits of intemperance in secret from the facilities for getting spirits afforded by the grocer's shop?—So far as my experience goes I do not think that is the case.

1973. Is there anything else you wish to add?—I noticed that Mr M'Laren, M.P., quoted in support of his statements before this Commission an article from the *Lancet*, showing the opportunities grocers' licences gave, to women especially, to indulge in habits of intemperance in secret, and with which contention he coincided. This no doubt may be done by unscrupulous licence holders, but I would look upon all such cases as being very exceptionable indeed, and not in keeping with the tone and spirit of the trade generally. And those detractors of the trade who are anxious to see habits of temperance prevail, and are cognizant of these violations without exposing them, are not only encouraging the evil, but bringing an unjustifiable stigma against the whole trade. I would here bring, before the Commission an article which appeared some time ago in the *British Medical Journal*, in reference to grocers' licences, and if admissible, and not encroaching too much on your valuable time, would, I think, be all the better of being ventilated in the same manner as the article already referred to, and as likely to disabuse the minds of not a few who entertain biased feelings against the trade (See *ante* Question 296.)

1974. Do you desire to say anything more?—I think that if the restrictions of the Forbes Mackenzie Act were carried out in their entirety, they would be sufficient to checkmate the evils in the grocery trade.

1975. *Mr Campbell Swinton*.—Which restrictions are not carried out in their entirety?—I refer to the consumption of liquor on the premises.

1976. Have you any statement to make as to the prevention of consumption in regard to those who permit it?—I have no objection to the supervision of the police if that was necessary.

1977. Have you any objection to the police having the same liberty of entering grocers' houses as they have of entering publichouses?—None.

1978. *The Chairman*.—You are not afraid, are you, that respectable men would be troubled in that way?—No; the police would have their own suspicions of the parties who were likely to violate the law.

1979. *Mr Bleloch*, you have been upwards of forty years in business as a licensed grocer, have you not?—*Mr Bleloch*.—Yes.

1980. Do you concur in the statements that have just been made?—Yes.

1981. You have a considerable business in selling small quantities of liquor to working people?—Yes.

1982. In your experience do you find that that is not made a bad use of?—I do not think it is made a bad use of.

1983. Do you ever sell in open vessels?—Never.

1984. Are your bottles always secured?—Oh yes. The bulk that I sell is in bottles or in larger quantities.

1985. *Mr Campbell Swinton*.—If any person sends for a small quantity does the party who is sent for the liquor bring a bottle, and do you pour the whisky into it, or do you give the party a bottle?—If they have not a vessel we give them a bottle.

1986. You would not give them whisky if they brought a tea-cup for it?—I would not.

1987. *The Chairman*.—Do you wish to state anything in addition to what you have now said?—No.

1988. *Mr Meikle*, you have been a licensed grocer for ten years and a half, have you not?—*Mr Meikle*.—Yes.

1989. Previously I believe you were manager of another business?—Yes.

1990. Do you concur generally in what has been said by the previous witnesses?—I do. There is one thing I did not agree with *Mr Fisher* in, viz., his remarks as to the pint bottle. That would not suit my trade, even although I have a very respectable trade: I find that a great many of my sales are in gills and two gills. I also find that medical men prefer sending to the grocer's for their spirits for their patients, and that a gill is a very common quantity for them to get.

1991. *Mr Campbell Swinton*.—Have you special small bottles for selling gills and two gills?—Yes, I always sell a gill in a one gill bottle. The one-gill bottles are flat bottles.

1992. Do you always cork them?—Yes.

1993. Would you object very much to seal them?—I would consider it a very great hardship.

1994. Is that on account of the trouble?—It would be a very great deal of labour, and it would add very much to the cost.

1995. *Sheriff Crichton*.—Have you bottles ready filled?—No.

1996. Do you always fill them when the person comes?—Yes.

1997. *Mr Campbell Swinton*.—Would you think it a great hardship to fill the bottles below, and to keep a cask there, and to have only such bottles in the shop as were ready for sale standing corked?—Yes, I would think it a hardship.

1998. Why?—It would not be convenient if only one person was left in the shop to go to the cellar to fill a gill of whisky; and in all likelihood we would occasionally run out.

1999. Could you not fill all your bottles after sale hours?—Not very conveniently. We cannot get the young men to stay in the shop after sale hours to do that sort of thing.

2000. *The Chairman*.—Then you would have to employ bottlers?—Yes, and that would add very much to the cost.

2001. Is it as easy to bottle whisky as beer?—Much easier, I think.

2002. *Mr Campbell Swinton*.—If you had the bottles ready bottled before, you would save the bottling of the liquor when the customer came in for it, would you not?—Yes; but they generally bring a bottle, and we fill it from the cask. When we sell liquor in this way the bottles are generally so corked that they cannot take the cork out without a screw.

2003. *The Chairman*.—Have you anything which you wish to add on your own behalf?—I think that a public analyst should be appointed to analyse liquor and other goods.

2004. *Mr Campbell Swinton*.—Are there not such analysts in some counties already?—I believe there are, but unfortunately not in our county.

2005. *The Chairman*.—The appointment of such an analyst would be a protection to the honest dealer, would it not?—Yes. Cowdenbeath is a colliery village.

2006. *Mr Ferguson*.—Are there many publichouses in it?—Yes.

2007. Have you any idea of the proportion of licensed grocers to publichouses?—There are 2 hotels, 2 publichouses, and 2 licensed grocers.

2008. *The Chairman*.—Is there any other point on which you wish to speak?—It has been repeatedly said that grocers' licences gave special facilities for families indulging in secret drinking. That I consider a slander

on society. There was another statement made to the effect that family drunkenness was on the increase. I really think that such statements ought not to be made. I am not aware of any grounds for such statements being made at all.

2009. Might it not be true in other districts although not in yours?—I know it is not true in our district.

2010. *Mr Campbell Swinton*.—Do you think that the colliers get the most of the drink which they carry home from the licensed grocers or from the public-houses?—From the grocers.

2011. The reason of that being that your drink is the best?—That is the reason they assign to me for it.

2012. The drink obtained from the publichouse would probably be cheaper, would it?—Probably.

2013. When you speak of a public analyst would you have him to test the wholesomeness of the drink?—Quite so.

2014. And the age of it also?—I refer to that in speaking of the wholesomeness of it.

2015. Then you agree in the statement made here that whisky requires to be a certain number of years old before it is wholesome?—Certainly; it requires to be two years old at the very least.

2016. And it is still more wholesome in its third year, is it not?—Certainly; I never sell it under three years old.

2017. *The Chairman*.—You generally concur, do you not, in the statement that it is not true that it is a practice of licensed grocers to treat policemen or servants?—Certainly.

2018. Do the two gentlemen along with you concur in that statement?—They do.

42. Mr JOHN TODD, examined.

2019. *The Chairman*.—Where is your place of business, Mr Todd?—At 45 Cumberland Street. I have been there for nearly seven years. I was previously in a shop in South Richmond Street for nearly fourteen years. That is one of the poorest localities in Edinburgh. I held a grocer's licence there.

2020. Are you well acquainted with the trade in poor districts?—I am.

2021. What would you like to say on the subject before us?—I would like to say that, as for selling in open vessels, I was scarcely ever asked to do such a thing, except in the case of draught ale or porter, or (and this was in the worst districts) brandy for medicine, which I have sold in a tea-cup now and again. That perhaps occurred several times during the time that I was in South Richmond Street. I never sold whisky in that way.

2022. When people sent for whisky in a small quantity, what was it generally taken away in?—Always in a bottle. That is the case at present. They commonly bring a bottle, or else I supply them with one.

2023. Would you care what you sent it away in; would it matter to you whether it was a cup or a bottle?—No; but I certainly would not like my shop to get the character of sending away drink in a tea-cup. Besides I would not dream of such a thing; and I was really never asked to.

2024. When you say you would not like your shop to get the character of doing that, do you think it is looked upon as a mark of a low establishment to do that?—The very lowest; and it is the very lowest person who would ask for it. The shop would be lowered by doing that, and people would say if I did such a thing that I was supplying the very lowest class of people.

2025. Is it your practice to cork the bottles?—I always do it.

2026. So that a child taking liquor home could not get any of it on the way?—A child could not get anything. I have heard questions about having the bottles ready with which to supply customers. In regard to that I have to say that, although my trade is a very respectable trade, the most of it is in small quantities—gills, gills and half, and half mutchkins, and so on.

Half a mutchkin is quite a common thing. I sell a good deal of spirits where I am in those quantities. There are different qualities of the liquor, and different prices for it. I am scarcely ever asked to sell liquor at 5d. a gill, or 2s. a bottle. A few gallons of that quality will serve me perhaps for six months. It is mostly whisky at 6d. and 7d. a gill that I am asked for. Now it would be an easy thing to have bottles filled perhaps, and ready too, if I knew the kind which my customers would come for, but it is a common thing for them to come and ask a gill at 6d., or half a mutchkin at 1s., or half a mutchkin at 1s. 2d.; and they always wait and see me fill it and cork the quantity up.

2027. There is some demand, is there, for whisky at 2s. a bottle?—Very little where I am at present. It is always whisky at 2s. 6d. or 3s. a bottle.

2028. But neither in your present nor your former place of business did the people come in and try to get drink on the premises?—Well nothing that I say here is to incriminate me. I have observed the spirit of the Act although not the letter. It is no use pretending that it is never done. It is really done. But what I always object to is that the party who gets the liquor is not punished as well as me. I think that we should be liable in the same penalty.

2029. You tell us candidly that in a small way of business—selling in small quantities—it is very difficult to prevent its being drunk on the premises sometimes?—Not the least difficult. It is asked from me perhaps once in a month; and in many cases or most cases I refuse it, unless to a friend. For instance my brother comes in and wishes to taste, and I may give it to him. Then I had a man coming in whom I had known for years. He said he was very low, would I give him a nip. I said I would do so, and would not charge him. Now, I was annoyed at his coming, but still I thought I would run no risk if I gave the liquor for nothing. I have often done that rather than give personal offence.

2030. Have you seen them take the liquor from you, go outside, and drink it outside?—No, I never did. I know that such a thing has been done. We were formerly allowed to open at 6 o'clock, and it was a common thing in the Pleasance and in the Cowgate and such neighbourhoods for those who wished liquor to have open vessels or small bottles, and to go to the grocers between 6 and 8 before the spirit shops were allowed to open, and get a supply. Some of them used to do a large trade in that way.

2031. When was that?—Before 1862.

2032. Did the Act of 1862 knock that on the head?—Yes. They were just doing a spirit shop business at the time on the pretence of the party who got the liquor going into an entry or into a pend, and so on. It was just evasion of the law. There is no tendency to do that now, however. No such thing as consuming liquor at the door is ever done. Nor was it done when I was in South Richmond Street. There, however, I had a good deal of marking: I gave a good deal of credit. It was a poor locality, and I was induced little by little to give it to customers—first to the poorer class and then the better class withdrew. The customers who required credit came say on a Friday and asked credit till to-morrow—the Saturday; then it crept on till Thursday and Wednesday, and so on till they came for credit in the beginning of the week, and they finished up with Saturday asking a week's credit. When they arrived at this stage they said: 'Now, Mr Todd, we will commence to be a regular customer of yours.' By and bye they are not able to pay the whole account, and the balance increases; and when the balance increases with such a class of customers they do not buy the whisky from the man from whom they get the credit. They spend their money somewhere else in order to make him believe that they are not wasting their means. Now what I would suggest would be an extension of the principle of the Tippling Act to soap and sugar and such things, and forbid the recovery of small sums marked down for such articles. That would be a simple remedy. It would be a great improvement to the present state of things, and it would be a great check to crime. The Act does not forbid the recovery

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of the price of a gallon. I would limit the operation of this rule which I suggest. I would say that unless the value of each thing were 20s it could not be recovered. I think the licensing system is nearly as perfect as it can be made; but the drinking system is a terrible thing, and it is altogether distinct from the licensing system; for although the licences were reduced, the consumption and demand for drink might remain the same. If, however, you attack the credit system—especially the credit system in its smaller phases—I think some good results would be obtained from it. An attack, I think, would in that way be made on the worst form of the evil.

2033. *Mr Campbell Swinton.*—But people in the humbler classes can occasionally get credit for groceries?—They do get credit now. In spirit shops they get credit,—at least a person who is worthy of it.

2034. *Mr Ferguson.*—If they were obliged to pay for the small groceries, then you think they would not have the money to spend at the publicans' shops?—Precisely so. Among the first cases I knew on the south side they did not buy the liquor from me, but they took all their bread and butter, tea and sugar, from me, and spent their money in the publicans' shops. They became degraded in that way. If I had not given them credit I would have lost them altogether. Of course, I am speaking of that class particularly at the present moment. If the principle were extended that unless they bought to the value of 20s even in the matter of soap, it would not matter much whether the grocer marked down the soap or spirits if there would be no recovery for his debt. I think this would put an end to the state of matters which exists, and cure the evil. There is another thing I wish to say in regard to another evil. You will permit me to speak of these things, because I have observed the whole system for twenty-one years. I consider that the greatest ally for evil in connection with the drinking system is what they call the tally-shop, where customers pay by weekly payments. The tally-shop, the pawn-shop, and the drinking-shop, these are the three which are difficult to deal with. But if you prevent the recovery of the debts you take away the legs from them. This would be a greater improvement than any amendment on the licensing system.

2035. The publichouses are ready money businesses and the grocers' shops are not. Is that what it comes to? or is that where the shoe pinches?—That is not where the shoe pinches at all. It gives people facilities for getting goods from another grocer's. It has no reference to the publichouses. They can get the drink from another grocer; or they can get drink from one and credit from another. To put an end to that sort of thing is what I would like. A large portion of society are a law to themselves, both in the quantity they should buy and the place where they buy. But the class which is difficult to deal with is the class not a law to themselves—the class which requires restriction. Now, I wish by the carrying out of the suggestions I have made to put an end to the facilities which these people have. These facilities, as I have pointed out, especially for getting credit, are endless. I have known parties, girls for instance, who worked at the paper folding, and who had little knowledge of cooking or house management, when they get married taking their whole furniture and clothing on credit, the sum to be paid up by 1s. or 2s. a week as the case might be. They have even gone the length of getting into loan societies and borrowing £2 on security, to be paid at so much a week. They went on in this way to such an extent that there was nothing left, and then to keep them alive they provided the remedy of getting still more credit where the necessities could be obtained—that is, at the tally shop. They go to what are known as clubs—places where they get out goods, and where they pay perhaps 50 per cent. more than the value of the article. What they buy at 30s. may be got for £1. They pay such prices for these articles if their credit is not good; and the worst of it is that they buy them for the purpose of pawning the article merely to get meat and drink—the most of it drink. Now I repeat that what I would like to see is a law to forbid the recovery of debts for small

things to put an end to this system of credit. The drink evil begins here, I think. I have seen a great deal of domestic misery. It is one of the most fearful things that drives men and women to drink. They come in in the greatest hurry for a little cheese or a little ham and a drink of ale just at the dinner hour. That is often the case with newly married people. There is no end to this sort of thing. It drives them to every kind of ruin and to the poorhouse, which is just one link in the chain. It is not with the licensing system that the defect lies, for, as I have remarked, it is nearly as perfect as it can be made. Every reformer in every bill that is introduced misses the mark. It is this three-fold alliance which I have pointed out that the true reformer must attack.

2036. *The Chairman.*—I am asked to put some questions to you: It was in your former place of business that you had many of the working class customers?—Yes.

2037. Do you and your family work your business?—Yes. I had an assistant at one time.

2038. Would it be an inconvenience to you if you were obliged to keep a barrel of whisky in a cellar and only bottles in the shop?—Very great.

(See also App. D, p. 493.)

43. Mr JAMES MITCHELL, examined.

2039. *The Chairman.*—You are an unlicensed grocer at No. 57 South Clerk Street, Edinburgh, are you not?—I am.

2040. You have been eleven years in business on your own account, have you not?—Yes.

2041. Previous to that time you had been an assistant for twelve years, I believe?—Yes.

2042. And you served in three shops in that capacity?—I did.

2043. I understand that you present a memorial from certain unlicensed grocers?—Yes.

2044. How many are parties to that memorial?—52.

2045. Are they all doing business in Edinburgh?—Yes, and in Leith.

2046. Are they in various classes of business?—Yes. They do business among all grades of society—among the lower localities and among high and respectable localities.

2047. What is the nature of the memorial?—It is not very long, and I shall read it. It is as follows:—'To the Royal Commissioners, appointed to inquire into the law affecting Grocers' Licences in Scotland: Humbly sheweth,—That we the undersigned memorialists, all connected with the unlicensed grocery trade in Edinburgh and Leith, are of opinion that the existing combination of the wine, spirit, and malt liquor with the grocery trade ought to cease, as being a source of injustice to unlicensed traders, as well as detrimental to the moral and material well-being of the community generally, and likewise as unnecessary, both on account of commercial and economic grounds. Your memorialists are prepared to assert and maintain, that owing to the large profits accruing from the sale of liquor, that they are placed at a great disadvantage in endeavouring to compete with licensed grocers, who can, and frequently do, retail groceries at totally unremunerative prices; and further, that the respectability of the trade is diminished by the fact that a considerable number of licensed grocers are so only in name, their stock and sale of liquor being out of all proportion to that of groceries, and who in reality are simply spirit merchants under the guise of grocers, that course being adopted owing to the greater difficulty experienced in obtaining a spirit licence in preference to a licensed grocer's. Your memorialists are likewise of opinion that it is a great source of demoralisation and intemperance in the community by the encouragement which this trade affords to secret drinking, by the facilities it gives for obtaining drink on credit, and also by the systematic and almost general evasion of the law in the consumption of drink on the

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Mitchell.

'premises. Finally, your memorialists are clearly of opinion, that the trades could be more efficiently and regularly conducted by the creation of family wine and spirit licences for consumption off the premises (but independent of groceries) without reducing the status or impairing the emoluments of the parties interested, who might optionally adopt either branch of the profession, and which would relieve the public from any additional inconvenience or risk of moral contamination in the purchase of their liquor.'

2048. Have you ever been an applicant for a licence yourself?—Never.

2049. Do you think the possession of the spirit licence gives the licensed grocer an unfair advantage?—Very unfair.

2050. Why have you not applied for the licence yourself?—From principle. So far as I myself am concerned, I consider that from other things with which I am connected it would be wrong for me to sell liquor. I may state that until two years ago I was not a total abstainer.

2051. When you were an assistant, was it in unlicensed shops?—Yes.

2052. Have you much acquaintance with the sale of groceries in districts inhabited by the working classes?—I have no acquaintance with low class districts.

2053. Are the 52 who have signed the memorial total abstainers?—I cannot speak for the whole of them. There are a good many total abstainers among them. They represent those who are from principle unlicensed grocers. The memorial does not represent all the unlicensed grocers in the city or in Leith, from this fact, that those who would take the licence if they could get it and those who sign the memorial are in equal proportions.

2054. *Mr Campbell Swinton*.—The people who sign the memorial are those who would not accept the licence, are they?—They would not accept it.

2055. *The Chairman*.—Has your feeling that the spirit trade should not be associated with groceries many adherents?—Many of those who have signed the memorial believe that.

2056. And there are many men in the trade, are there not, who are of the same opinion?—Yes. There are many men in the trade as assistants who are of that opinion.

2057. You are of opinion, are you not, that the spirit trade ought to be separated from the grocery trade?—I am decidedly of that opinion. I have been at considerable trouble to collect a few notes in reference to the number of licensed grocers compared with the unlicensed grocers as an argument to show the difficulty with which young men have to contend when they desire to start in business. I have had a connection with a young men's society in connection with the trade for some years, and I have learned this during that time, that about 50 per cent. of the young men have said that if they were to commence business they would prefer it without a licence, but that there were great difficulties in the way, from the fact that the profits of groceries were nominal. They felt that the hardships were so great that they doubted much if they would be able to cope with the disadvantages. I thought it might be of interest to the Commission to know the proportion of licensed to unlicensed grocers in particular streets. One of the witnesses referred to the number of licensed grocers in several streets, but he did not seem to have taken notes of the unlicensed grocers, and that I think is a very important element to consider. There is one line of street from Rosehill Place by St Anthony's Place and Tobago Street where there are 9 licensed grocers and 3 unlicensed grocers, and these numbers do not include those who made applications and were refused. A witness stated that in the line of the Lawnmarket, High Street, and Canongate there were 47 licensed houses. I find that in the same line of street there are 17 unlicensed houses. We have very few witnesses from this locality it should be noticed, from the fact that the parties are in very small houses, and that the businesses are principally conducted by women, who did not feel that they knew anything about the subject of the memorial,

and could not sign it. There is, therefore, only one individual in the locality who put his name to the memorial. As a party who has not made application, he contends that the difficulties he has to meet are extremely great, principally owing to the competition with the licensed grocers. He says that the principle of competition is carried out to such an extraordinary degree by them. Then in Grove Street there are 3 licensed grocers and 1 unlicensed; in Leith Walk 16 licensed grocers and 8 unlicensed grocers; in Duke Street, Leith, 6 licensed and 1 unlicensed. In Tolbooth Wynd there are 4 licensed and 1 unlicensed.—I might enumerate other localities, but it would be useless to take up your attention in that way. These represent some of the more humble localities.

2058. You mean by these figures to show that the licensed houses overweigh the others?—They do so immensely.

2059. I am asked to put this question to you: In what articles do the licensed grocers undersell the unlicensed?—Principally in proprietary articles. In regard to these, a more direct accusation can be made against the licensed houses from the fact that they cannot manipulate such articles. They are exhibited with the patentee's name, and ticketed in grocers' windows. We know that they undersell from the knowledge we possess of the wholesale rates. I may refer to a few of these articles. Thus, Brown & Polson's corn flour, which is sold wholesale at 42s., is ticketed at 4½d. per lb; T. & H. Smith's essence of coffee, sold at wholesale prices at 10s. 6d. a dozen, is ticketed by the licensed grocers at 10½d. a bottle; Liebig's extract of meat, sold wholesale at 8s. 9d. a lb., and ticketed by the licensed grocers at 2s. 3d. per quarter of a lb., which is equal to 9s. a lb.

2060. *Mr Campbell Swinton*.—Are these facts universal among the licensed grocers?—No, not universal; but occasionally we see them in the poorer localities where competition can be carried on.

2061. *The Chairman*.—But that would not be the case with articles of general consumption, such as tea and sugar?—It could not be detected so easily in the case of these articles, because these are articles of various qualities.

2062. It would be easy for one to sell sugar ½d. per lb cheaper than his neighbour?—That was done to a large extent five years ago, but the grocers united when the duty came off, and said that they would take advantage of the abolition of the duty. They are beginning to compete again by accepting low rates, and in another year or two the thing will just be where it was.

2063. *Mr Campbell Swinton*.—You say that the grocers formed a combination a year or two ago. Were they licensed or unlicensed grocers?—It was the licensed grocers, and the unlicensed grocers gave no opposition.

2064. *The Chairman*.—Is not the reason that the licensed grocer makes better profits this, that he does a larger business generally, and buys better in the market?—Doubtless he can from his position do that; if he so captivates the public, and draws in three or four times the number of customers, he can afford to buy much more largely, to the injury of the unlicensed trade.

2065. Have you made any computation of the profit made by a licensed grocer on a bottle of whisky, keeping in view the time he has to mature it?—I have had no experience in retailing it or of knowing the net profits.

2066. The intention of that question is to remind you that profit on whisky is pretty bare, and that it would not stand loss on groceries?—It is very curious that one witness said that they could sell a bottle of whisky at 2s. and still have sufficient profit.

2067. Are there more bankruptcies or failures in proportion to the number existing among the licensed than among the unlicensed grocers?—There are more in proportion among the licensed than the unlicensed. I think the Commission should summon some of the wholesale merchants to give evidence, whose interests are so much

EDINBURGH. wound up with the trade that they cannot appear. On these points, however, they could give valuable information—I mean with reference to the bad condition

James Mitchell.

of the licensed grocer trade compared with almost any other trade.

Adjourned.

EDINBURGH, WEDNESDAY, 10TH OCTOBER 1877.

Present:—

Sir JAMES FERGUSON, Bart.
Mr CAMPBELL SWINTON.

Sheriff CRICHTON.
Mr FERGUSON.

SIR JAMES FERGUSON IN THE CHAIR.

William James Haig.

44. WILLIAM JAMES HAIG, Esquire of Dollarfield, examined.

2068. *The Chairman.*—May I ask in what way you first took an interest in the question before us?—I have sat for a number of years as one of the licensing justices in Clackmannanshire.

2069. And you consequently formed a certain opinion upon the liquor traffic?—Yes.

2070. Would you tell us what the direction of your opinion is?—I think more attention requires to be paid to the quality of the article sold, than to the mode in which it is sold. For instance, the high class dealers, who have large establishments and good connections, cannot afford to sell any thing but what is of good quality, and their customers look after them. But as to the dealers that supply the working classes in the lower parts of towns especially, I think a great improvement might be effected by supervision, not only by the police, but by the Excise, in order to see that the quality of the article is not allowed to deteriorate in the dealer's hands, but that it is served out to the public in the same state in which it was supplied by the manufacturer to the dealer.

2071. In fact, you think that whatever harm may be done by excess, a good deal is also done by drinking spirits of inferior quality?—Quite so; and the profits of the dealer must be unduly increased if the strength or purity of the spirit is tampered with. A good spirit which has been kept till it is of proper age and is mellowed, won't stand dilution, because it is mild to a certain extent already, and the addition of water would make it much more mild. Now, that does not suit the taste of the customers in these districts; but by using fresh spirit, which is harsh and contains fusil oil, it is quite possible to make an addition to the bulk, and still have an article of apparent strength, and the impurities which exist in the new article are very deleterious.

2072. In your experience have you discovered whether there is a difference as a rule in the liquor sold by one class of licensed houses and another?—It is notorious, I think, that the new spirit sold in the lower class of licensed houses is a very harsh and coarse spirit.

2073. As a matter of fact, it is new spirit that is usually sold in the common publichouse?—Yes, as being cheaper. It is an expensive thing to keep spirits.

2074. Do you say that from common rumour, or have you done anything to ascertain the fact?—I have made no personal investigation, but it is generally accepted.

2075. Have you no public analyst in your county?—No, we have not.

2076. Do you find there is also a rumour that grocers sell a better kind of spirit?—That depends on the kind of grocer. A grocer with a high class connection sells a better article than one who supplies the working classes chiefly, because he gets a better price for it.

2077. What opinion have you formed as to the effect of the present system of licensing grocers to sell spirits?

—That is a much more difficult question. I rather think that if uniformity in quality was insisted upon, the evils, if any, connected with the grocers selling spirits would rectify themselves very much.

2078. That would not touch the question which has been pressed upon us, of the increased prevalence of spirit drinking, and the consequent injury to society?—It would tell in this way, that I think the number of houses, especially of the lower class, would be very much diminished, because the profits would be so seriously curtailed.

2079. You have, I believe, formed and stated distinct opinions with reference to the value of the houses that should be licensed?—Yes.

2080. What have you to say about that?—I think that whatever the value of the house is, a regulation such as I have indicated in my pamphlet would be followed with great advantage, that any person who applies for a licence should deposit a sum equal to the rental of his house,—this to be as a guarantee of his conducting his business properly; and in the event of his selling adulterated liquor, or conducting his business improperly, he should lose his deposit along with his licence. That would not come hard on the respectable dealer, but it would come very hard on one who was not.

2081. You have put in a copy of your pamphlet?—Yes.

2082. In that pamphlet you give details of the manner in which you would carry out the system of inspection and sampling?—Yes.

2083. And the rates of deposit which you would require?—Yes. Perhaps I may say that on second thoughts these deposits are, I think, rather low. I state the minimum at £10. I am rather inclined to have the minimum at £25.

2084. Do you mean the minimum value of the house?—I mean the minimum deposit.

2085. Would you insist on the houses being of a certain value according to locality?—That is a very difficult matter, because the ratable value of houses varies so much in different places; but I think that if the minimum deposit was £25, the value of the house might be left alone.

2086. Have you considered that that might lead to the wholesale dealer, like the great brewers in England, advancing the necessary sum to a small man taking a house, and so setting him up in trade?—Even suppose it was advanced, it does not make much difference, because if the business is not properly conducted it would be forfeited, and the large dealer would exercise all the more caution.

2087. In this way you think you would ensure more attention to the law, and a reduction in the number of small and unsatisfactory houses?—I think so, because the profits derived from the sale of the article would be very much diminished compared with what they are now.

2088. Are these the chief points which you wish to state?—Yes.

2089. *Sheriff Crichton.*—How would you ensure

the uniform quality of spirits?—Let the stocks be open to excise inspection at any time. It is very easy to tell when a spirit stands the proof strength, and if it varied from that there must be something wrong. An expert in the Excise would know very well the amount of variation to allow for keeping, or for unusual circumstances.

2090. And you would prevent such spirit being issued at all?—Yes.

2091. From bond?—From bond. I would have it issued from the bond at a certain strength, and not less than two years old, and have a penalty on the dealer tampering with it.

2092. Have you mentioned the strength in your pamphlet?—Yes. The proof strength.

2093. *Mr Ferguson*.—But spirits are hardly ever used of the proof strength, are they?—Yes. They are given out habitually by wine merchants and family grocers to private consumers of proof strength; they are generally diluted before they are given out in public-houses, I understand; but there is nothing to hinder their issue at proof.

2094. *The Chairman*.—Have you proposed in your county, the employment of a public analyst, to see that the spirits sold are not injurious?—No, I have not. That would require to be a general measure, I think.

2095. You have the power to appoint one?—There has been no step taken in our county as yet.

45. MR ALEXANDER PORTER, examined.

2096. *The Chairman*.—You are deputy chief constable of Roxburghshire?—Yes.

2097. How long have you been in the Roxburgh force?—15 years past.

2098. How long have you held your present rank?—All that time.

2099. Will you give us the number of licensed houses in the county of Roxburgh?—Exclusive of the burghs of Hawick and Kelso, the number is at present 25 hotels, 20 publichouses, and 31 grocers; in 1875 the numbers were 24 hotels, 21 publichouses, and 33 grocers; in 1872, 26 hotels, 22 publichouses, and 30 grocers; in 1870, 28 hotels, 23 publichouses, and 29 grocers; in 1865, 29 hotels, 24 publichouses, and 32 grocers; in 1860, 26 hotels, 32 publichouses, and 32 grocers; and in 1855, 28 hotels, 32 publichouses, and 28 grocers.

2100. Then there has been a certain diminution in the total number of houses?—There has been a gradual diminution.

2101. And is it the effort of the justices to carry that on?—It has been so, and it is so, without any preconceived arrangement.

2102. But is that gained by care in the granting of licences?—By gradually weeding out objectionable houses or objectionable tenants, more particularly as changes occur.

2103. What convictions have you had of late years?—I have taken only certain years, but not because the convictions were more or less numerous in these years. From 1870 to the present year I took every second year, and beyond that every five years. In 1877 there were 1 hotel-keeper, 1 publichouse-keeper, and 1 grocer convicted; in 1875, 3 hotel-keepers, 1 publichouse-keeper and 2 grocers; in 1872, 7 hotel-keepers, 1 publichouse-keeper, and five grocers; in 1870, 8 hotel-keepers, 2 publichouse-keepers, 6 grocers; in 1865, 1 publichouse-keeper and 5 grocers; in 1860, 2 hotel-keepers; in 1855, 1 hotel-keeper, 2 publichouse-keepers, and 4 grocers.

2104. Are the offences for which grocers are convicted commonly of one kind, or various?—They are of two kinds principally,—selling on the premises, and giving out on Sundays.

2105. Have you reason to believe that the law is commonly evaded by any class of licensed grocers, although the convictions are not numerous?—By smaller grocers especially; we have most trouble with them.

2106. Do you frequently receive information from your officers to that effect?—That is so.

2107. *Mr Ferguson*.—Where no convictions follow?—Where no convictions follow. Constables can only enter grocers' premises if they have reason to believe that a breach of certificate is being committed, so that there is not the same supervision over grocers' shops that there is over hotels and publichouses. I mean the visits are not so frequent; and there is a feeling that so long as a man is not notoriously infringing the law, it is not politic to intrude on grocers who are not strongly suspected of breaking the law.

2108. But if you have reason to believe that there are frequent evasions of the law in an important particular, would that not constitute a ground for taking steps to detect these?—Of course it does, and these houses are watched very narrowly, and frequent visits made.

2109. *The Chairman*.—In what way do you believe that these offences are commonly committed?—By giving liquor to be consumed upon the premises. That is very easily done, and detection is very difficult.

2110. Do you believe that this takes place at any hour of the day, or at one period more particularly?—At any hour of the day. People don't as a rule go into grocers' shops and sit down and carouse over their liquor. It is generally a tipple and they go.

2111. Have you heard that it is common in the morning, before the publichouse opens?—No, I have no reason to believe that.

2112. Selling before the legal hour, I mean?—No, I have no reason to believe that that is done to any extent.

2113. I mean that the grocers shop being legally open for the sale of groceries, whether persons wishing to drink—carters and others—take advantage of that to get spirits?—So far as our county is concerned, I don't think that practice prevails to any extent. It may to a limited extent.

2114. In what way do you think the law should be strengthened, to increase the control of the police?—If it is merely to increase the supervision, I think the law should be altered so as to give the police the same power as they have in regard to publichouses and hotels.

2115. Would that be the chief means you would adopt?—I think that is the first step. Whether the police should have increased powers or not, I don't know.

2116. Is it your opinion that by reason of the facilities for getting spirits in grocers' shops in addition to publichouses, the use of spirits among the working classes has much increased?—For family consumption it has increased very largely: I mean for consumption elsewhere than on the premises.

2117. But does that involve a greater gross consumption so far as you know, or is it only that the practice is removed from the publichouse to the home?—I have no doubt that the facilities with which liquor can be obtained tend largely to increase the general consumption. I am satisfied of that.

2118. Have the convictions of persons for drunkenness increased of late years in your county?—Yes, very materially. There is very little difference perhaps in the number of convictions for being what is technically called drunk and incapable, but there is a very large increase in the drunk and disorderly that are tried before the police courts.

2119. Can you give us an idea of what that increase has amounted to?—I have the returns here for 13 years. In 1876 there were 155 males and 20 females, total 175, convicted for being drunk and disorderly, and 17 males and 3 females, total 20, convicted for being drunk and incapable; in 1875, 165 males and 30 females, total 195, for being drunk and disorderly, and 12 males and 3 females, total 15, for being drunk and incapable; in 1874, 115 males and 20 females, total 135, for being drunk and disorderly, and 11 males and 2 females, total 13, for being drunk and incapable; in 1873, 89 males and 15 females, total 104, for being drunk and disorderly, and 8 males and 2 females, total 10, for being drunk and incapable; in 1872, 112 males and 17 females, total 129, for being drunk and disorderly, and 26 males

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and 3 females, total 29, for being drunk and incapable; in 1871, 82 males and 10 females, total 92, for being drunk and disorderly, and 8 males and 3 females, total 11, for being drunk and incapable; in 1870, 68 males and 1 female, total 69, convicted of being drunk and disorderly, and 15 males and 4 females, total 19, of being drunk and incapable.

2120. Is it your opinion from these facts, and from your other information, that there has been an actual increase in the use of spirits?—There is no doubt of it.

2121. Do you know whether the sale of spirits in open vessels is common by the grocers in your county?—No, it is sold generally in small bottles. There are breweries holding grocers' licences for the retail of beer. There are two of these in Jedburgh, and there are several others in the county, I believe. They sell beer for family consumption, mostly in open vessels.

2122. Is it common in the county of Roxburgh for spirits to be sent out to the country in grocers' carts?—It is.

2123. Have you any reason to think that sales take place from these carts, and not only the fulfilment of orders?—I have.

2124. That that is so?—Yes.

2125. Have there been any prosecutions?—This trade of hawking sprung up suddenly about the year 1869, and in 1870 we had three persons convicted for hawking; that is, the offence created by section 16 of the publichouses Amendment Act. In 1871 we had one, and some years later I think we had other two men convicted for hawking with bottles. But these four in 1870 and 1871 were convicted of hawking with carts or vans. They were grocers' vanmen.

2126. Do you think these people are doing much business,—I don't mean illegally, but in sending out spirits through the country?—If we may judge from the numbers employed, there is not the least doubt of it. I can give you the statistics. In Jedburgh 7 grocers have 12 horses and vans; in the Kelso district, 4 grocers have 6 horses and vans; in the Hawick district, 4 grocers have 4 horses and vans; and in the Melrose district, 4 grocers have 5 horses and vans. Besides that, we have 4 horses and vans, coming out from Galashiels and Selkirk, all hawking throughout the county, giving a total of 31 horses and vans employed every day in hawking spirits throughout the county.

2127. That is hawking and delivering?—Yes.

2128. Of course you are far from saying that the chief employment of these vans is carrying liquors, I suppose?—Well, they don't go out without liquors. I have never known a case where they have gone without liquors. I don't say they go to hawk the liquor, but they carry the liquor daily, and it is only licensed grocers who send out vans.

2129. Are they grocers in a large way of business who send out the vans?—They are mostly so, but not wholly so. For instance, one grocer only pays a £14 rental, and he has a horse and cart on the road from Jedburgh. He cannot be said to be in a very large way. He has a small business managed by himself and his wife.

2130. Do you think many of these licensed grocers in your county are subsisting chiefly by the sale of spirits? Are their shops more properly spirit shops than grocers' shops?—A great many of them are so. I should say that the major part are really grocers.

2131. Have you ever known a man apply for a publichouse licence, and have a grocer's licence granted him by the justices?—No. I have no recollection of such a case. I have known a man apply for a hotel licence, and be granted a publichouse licence; but I have no recollection of any such case as that.

2132. Have you known a man get a licence who was not previously a grocer, or had not been previously in the trade?—Often.

2133. In that case would you consider that the grocer's shop was subordinate to the sale of spirits, or might it be otherwise?—Certainly; because the man generally has no capital, and commences in a very small way.

2134. Have you any knowledge that would enable

you to say whether the licensed grocers undersell the unlicensed grocers in their groceries?—No. I have no knowledge of that myself. I don't know that they do.

2135. *Mr Campbell Swinton.*—Have the convictions that you spoke of for breach of certificate generally been followed by a deprivation of licence?—No, they have not; but that must follow on a third conviction; and there have been several who have been deprived of licences in that way.

2136. Do the justices not generally take away the licence unless there have been three convictions?—Not generally. I have never known an instance where they did.

2137. They pardon the two first?—Yes.

2138. Are you speaking of the county justices or the burgh magistrates?—I am speaking of the county justices, and the burgh magistrates. The burgh magistrates of Jedburgh are included, because the police of the county and the burgh are united, and therefore when I speak of one I speak of both. But I have no recollection of a single case at present where a man was deprived of a certificate on a second conviction.

2139. *Sheriff Crichton.*—Have the magistrates made any condition with reference to back accesses?—With reference to publichouses, when any representation is made by the chief constable, or by myself, the justices generally enforce any alteration which may be thought desirable.

2140. How do they do with regard to grocers?—There is no regulation.

2141. There is no regulation of that kind in the county?—No, but when a complaint is made that back doors are being used for illegal purposes, the justices have enforced their order that any such door should be shut up before the certificate is granted.

2142, 2143. The Act of Parliament requires that the premises from which persons in a state of intoxication have been seen to issue should be reported. Have there been any reports of that kind in your county?—There have, but the practice is not very general. Unless the policeman happens to see the man coming out at the door, there is always difficulty in finding where he has come from. He is generally not able, and very often unwilling to tell where he has come from, and in that way the law is only partially attended to.

2144. Have the constables instructions to attend to that regulation of the statute?—They have.

2145. Is there any idea that the police in your county are treated by grocers?—There is not the least suspicion of that kind.

2146. *Mr Ferguson.*—In connection with what you said about the vans taking out spirits, have you observed any increase of drunkenness in the rural districts since that became common?—Personally I have not, but I have information that this practice is increasing the drinking habits of the people, where no drinking habits existed before the practice commenced.

2147. *The Chairman.*—The chief constable of Roxburgh and Selkirk, in his reply to our circular says, 'In the two counties under my charge the practice of sending out carts, nominally to deliver goods but in reality to hawk spirits, prevails to a large extent, and the result is that the rural population is being habituated to the use of spirituous liquors to an extent that is slowly but surely tending to ruin and misery; this practice is much complained of by respectable farmers.' Is that the information you have yourself given?—That is a correct statement, and the practice is unanimously condemned by all the farmers in the county.

2148. *Mr Campbell Swinton.*—I suppose it is very difficult to ascertain whether these vans are for the delivery of goods previously ordered, or for the purpose of hawking?—It is very difficult. At the outset we obtained a few convictions when perhaps the customer and the trader did not understand each other so well; but now, if any enquiry is made, the answer is that the goods were ordered, and I believe that that is a correct statement. It is done very much in this way;

the vans perambulate the county, the man in charge goes into a farmhouse, or a house by the roadside, and asks whether he can have an order; then an order is given, and booked, and he then says, 'I have the stuff here, and I shall just deliver it.' So that the order and the delivery are almost simultaneous; that is the practice to a large extent, though I do not say it is the general rule.

2149. Is it paid for, or is credit given for it?—They receive in exchange butter and eggs, or anything that may be produced at the farm, and that goes for part payment; otherwise I suspect it is credit, at least to a large extent.

2150. *The Chairman*.—Is there anything else that you wish to state?—I think the provision trade and the liquor trade should be separated, because (1) in country districts, at all events, the sale of provisions takes second rank to that of liquor, and in a great many instances provisions are merely nominally sold; (2) the trade presents an undue temptation to all classes to purchase liquors as a luxury, more particularly as the family trade is carried on almost exclusively by pass-book; (3) the practice of hawking spirits, &c., is most injurious to the agricultural population, and more particularly so to the wives and families who are being gradually inured to habits of intemperance, and impoverished by the purchase of luxuries formerly unknown to them. Moreover, as in many instances the produce of the farm, which is the natural and proper food for those employed on the farm, is being exchanged for artificial articles of food, the stamina of the agricultural class is gradually being impaired. The hinds in Roxburghshire are perhaps the finest body of men in the kingdom, but they cannot long remain so if grocers carts are to be allowed to hawk the country daily; (4) a large proportion of the convictions of grocers is for Sunday trading—that is, giving out liquors on Sunday, and this leads to the remark that from the changed habits of the people, I am of opinion that a little more liberty in the sale of liquor on Sunday would produce a more healthy state of things. People who are accustomed to have liquor every day of the week cannot be made total abstainers on Sunday, and consequently what they cannot obtain legally is got illegally, leading to an infringement of the law, and promoting a feeling of disregard of the law, a very dangerous thing in a loyal community; (5) another reason for separation is found in the enormous cost of conducting the trade,—the annual cost of each horse and van cannot be less than £120 per annum (including driver), which (fixing the number at 30 horses) gives £3,600—an enormous premium for 30,000 people to pay for the luxury of having their groceries brought to their door. But over and above this, a depreciation in the value of horses must be added to the working cost, and, considering their high value, this cannot be put below £8 per annum for each horse. If the trade is separated, spirit dealers, pure and simple, should be allowed to open at certain hours and close at certain hours,—sell any quantity to persons of mature age, and deliver in country in sealed quart bottles, and accompanied with permit.

2151. Who would the permit come from?—If accompanied with a delivery order from a dealer, it would be evidence that the trade was *bona fide*. There is one thing with reference to these carts which I wish to explain. The county population, including Jedburgh, is about 38,000, and at least 8,000 is exempt from the operation of these carts, so that we have at least 31 horses and vans perambulating the county, and delivering liquor to a population of 30,000, and that independently of the local supply. Of 31 parishes in the county, 22 have one or more licensed houses.

46. Mr JOHN GILLESPIE, W.S., } examined.
47. Mr ALFRED JOHN LIST, }

2152. *The Chairman*.—Mr List, how long have you been chief constable of this county?—*Mr List*.—Of

this county for nearly 38 years, and of East Lothian for 8 years.

2153. Mr Gillespie, what is the precise office which you hold?—*Mr Gillespie*.—I am clerk of the peace for the county of Edinburgh.

2154. Will you be so good as to tell us the number of licences at present granted in the county to hotels, publichouses, and grocers respectively?—I produce a list for 20 years, shewing in each parish the licences for hotels, publichouses, and grocers, with the exception of the year 1860, which has fallen aside I cannot tell how,—that was just before my appointment. This list shows for each year the number of hotels, publichouses, and grocers licensed in each parish; and the whole is summed up, shewing the difference between the first year and each subsequent year. I also produce, for the convenience of the Commission, a separate list of the grocers' licences in the county for the same period; and I also produce a list of the table beer licences granted this last year for the first time, with the parish and situation of each.

2155. From the first table it would appear that there has been a considerable decrease in the number of the hotel and publichouse licences?—Yes, and an increase of the grocers.

2156. In 1857 there were 28 hotels and 106 publichouses, and in 1877 there were 12 hotels and 95 publichouses?—Yes.

2157. While the grocers have gradually increased from 71 in 1857 to 124 in 1877?—That is so, and the largest growth has taken place in the parish of Lasswade. There are now 23 there, while in the first year there were only twelve.

2158. It would appear also that in 1857 there was a total of 205 of the three classes, the same number in 1867, but in the present year 231?—That is so.

2159. So that the reduction in the number of hotels and publichouses has been much more than made up by the increased number of grocers?—It has. It appears that the hotels have been diminished from 28 to 12.

2160. *Mr Campbell Swinton*.—Does the diminution of publichouses, in the opinion of the justices, frequently involve the necessity, for the sake of the convenience of the population, of increasing the number of licensed grocers?—There has been a decided feeling for some years in favour of the granting of a grocer's licence rather than a publichouse licence. It has frequently occurred in our court that when a person applied for a publichouse licence, and pleaded the wants of the district, the answer given by the justices was, 'We don't think you require a publichouse licence, but you may have a grocer's licence.'

2161. *The Chairman*.—Then that man will open a grocer's shop merely to cover the spirit selling?—I can hardly speak to what takes place throughout the county, because I never leave town. I know nothing of what takes place throughout the county as to selling, unless it comes under my notice as clerk of the peace in the Small Debt Court.

2162. *Sheriff Crichton*.—Have you any experience in that respect in the Small Debt Court?—Very considerable experience.

2163. *The Chairman*.—Is it within your knowledge or belief that the granting of grocer's licences to applicants for publichouse licences induces the opening of spirit shops merely, under cover of the grocer's licence?—That is not within my own knowledge.

2164. Then what bearing upon the question has your experience in the Small Debt Court?—I put in my pocket one of the cases that came before us at the last court; I will not name the party, but here was an account of £2, 18s. 7d. against a labouring man. I found that 8s. 1d. of it was for spirits. Now, by our Small Debt Act we cannot give decree for the price of any spirituous liquors.

2165. *Sheriff Crichton*.—Is that by the Tippling Act?—Clause 25 of the Small Debt Act of the justices provides that no decree shall be granted for any debt or demand for or on account of any spirituous liquors.

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2166. What is the date of that Act?—6 Geo. IV., cap. 18.

John
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Alfred John
List.

2167. *Mr Campbell Swinton*.—Is that not the Tipping Act?—No, it is the Justices' Small Debt Act. In all cases where I find spirits included in this way, we take them out, and that happens pretty frequently. But I am not prepared to say that they are licensed grocers who do it; they may be unlicensed grocers. For instance, this is one from Leith. Now, I have no list, and I do not know who are licensed and who are unlicensed grocers in Leith, and therefore I cannot say whether this is to be laid at the door of a licensed or unlicensed grocer.

2168. If he were unlicensed, he would be punishable otherwise?—Yes, but I wish to say that I don't know if this is a licensed grocer that has transgressed.

2169. An unlicensed grocer would scarcely have ventured to put spirits into an account, would he?—I was going to come to that. I should probably mention that the sums in the account are 6d. or 1s., showing that the supplies are very small. I can put in this account as a specimen, but probably the name should not appear.

2170. *The Chairman*.—Are such cases at all common in the Court?—They are not so common as they were, for two reasons. First, we observed that it was pretty common to find in those accounts entries of 'goods,' and the justices for some years back have enforced the rule that all 'goods' are to be read spirits, and are therefore to be struck out under the clause which I have quoted. That has diminished the number of these cases. And there has been another cause that has diminished the numbers of them very much. Since the Arrestment of Wages Act (Mr Anderson's Act) was passed, in place of credit being given during the winter to the labouring people, and accounts running up and coming before us for decree, a new system has sprung up here, which has very much diminished the number of these cases. For instance, I hold in my hand 28 cases which were before the court last Monday, of money lenders, who have a series of documents drawn under the opinion of the late Lord Advocate Young, under which they advance money to two, three, four, or more parties, under a condition that it shall be repaid by instalments, and if not repaid in the stipulated instalments, there is an additional payment of sixpence per pound per week in the agreement, equal to 130 per cent. per annum. These have taken the place of the grocers' accounts to the extent I show you by the result of one day's court. Therefore, there are fewer of these accounts now coming before us.

2171. Are the creditors in these cases professional money lenders or tradesmen?—I can hardly tell. They don't profess to be tradesmen. They just appear there by their address. Eight-and-twenty of these are by one man in one day. I mention that to show that there are fewer of these cases coming before the Small Debt Court of sales and passbooks than there used to be.

2172. Do you connect this new practice with the disallowance of spirit accounts, by positive knowledge or by natural inference?—I cannot tell how these monies are applied. Nothing appears but a bill and a relative agreement, but they seem to me to take very much the place of the accounts that the very same class of people used to run with the shopkeeper, and I account for my having fewer of these cases before me now by the change which was introduced by Mr Anderson's Act.

2173. At all events the one class has ceased, and the other has become more numerous?—I think it is a much greater evil to the poor man.

2174. But it is the fact that the one class of accounts has greatly diminished, and the other has greatly increased?—It is so.

2175. *Sheriff Crichton*.—The new class of accounts was unheard of before?—They did exist in some cases, but there is a regular system now.

2176. *The Chairman*.—You say the justices had come to consider the item 'goods' in such accounts as meaning spirits. Had that been because in many cases they had found that to be the meaning of it?—We

found that, when we called for the grocer's book, there was an entry of tea, ham, coffee, butter, and then goods; and they could give no explanation of what that was, from inquiry and experience we came to be of opinion that the safe conclusion was that it was whisky, finding it to have been tacitly admitted in many cases to have been so.

2177. Had you ever an allegation made by a debtor that items put down as specific goods or provisions had been in fact liquor?—I had that last Monday. A woman stated that part of what was entered as bread and ham and butter was whisky, which she and the merchant consumed together. I cannot tell whether it was true, but that was her statement.

2178. Was that an isolated case?—Not altogether. I have had it before.

2179. *Mr Campbell Swinton*.—Was the merchant you spoke of a licensed grocer?—No.

2180. *The Chairman*.—You stated that in the table you put in it appeared that the increase of the grocers' licences had been much more numerous in certain villages in the county?—Yes.

2181. Could you characterise those villages as having a class of population different from the others?—I think the increase in Lasswade, where it has been greatest, has occurred very much of late, since a mining population sprung up there. So also in the Calder, a large increase has taken place from the enormous increase of population owing to the paraffin works and works of that description.

2182. Have the Justices formed an opinion as to the grocers' licences having had an injurious effect?—I think the Justices differ in opinion upon that point. Some of them have a very strong impression that grocers' licences should be abolished, but there are others who hold an equally strong opinion the other way. I cannot say that the Justices as a body have an opinion either way.

2183. It is an open question whether getting a small quantity of spirits home with them is not better than going to the publichouse for it?—Yes.

2184. Can you speak to convictions?—No.

2185. Are any exemptions granted in respect of hours to licensed grocers?—There are none to grocers. Indeed, there are only two in the county,—the one a hotel and the other a publichouse.

2186. Are you aware whether the selling in open vessels is common?—I cannot tell; I have no local knowledge whatever.

2187. Have you any decided opinion to offer, or are you aware if the magistrates have a decided opinion to offer, upon the existing law in regard to its sufficiency or otherwise?—No. I cannot say that I know the Justices' views as a body upon that. As I said before, I think their views are very conflicting on that point; and from my own want of experience in the country districts—never leaving Edinburgh—I cannot speak to that.

2188. *Mr Campbell Swinton*.—Have the Justices granted a grocer's licence when a publichouse licence was asked for?—Very frequently when parties pressed that they required provisions and whisky, the Justices were in the habit of saying that as the district had increased very much in population, they would give a grocer's licence.

2189. *The Chairman*.—Is there anything else you wish to state?—I just wish to repeat that I have no means of distinguishing between licensed and unlicensed grocers as to what takes place in court.

2190. *Mr Campbell Swinton*.—Would anybody but a licensed grocer put a charge of that kind in his account?—They probably put it in as goods.

2191. *The Chairman*.—Have you reason to believe that any unlicensed grocers do sell spirits?—I have reason to believe that, because it has been averred by parties in my court that they got them there.

2192. *Mr Campbell Swinton*.—In such a case do you consider it any part of your duty to give information to the Excise?—No; I should add that it is generally grocers of a very inferior position as to whom the allegation has been made.

2193. *The Chairman.*—Mr List, what convictions have been obtained in the county for breach of certificate by grocers?—*Mr List.*—I hold in my hand a return of the number of grocers convicted for selling drink to be consumed on the premises from 1867 to 1876; also inns and publichouses. The numbers were:—

Year.	Grocers.	Inns and Publichouses.
1867	3	9
1868	2	10
1869	1	7
1870	5	9
1871	2	8
1872	3	10
1873	1	13
1874	1	8
1875	5	7
1876	1	16
	24	97

2194. Have you had reason to believe that breaches of certificates have been committed to any considerable extent which your office has been unable to detect?—What description of breaches?

2195. Of a similar kind to those you prosecute?—I have no reason to believe that the Act is much evaded in this county, for there is a very strict surveillance over the grocer, and if anything irregular took place, I think I would receive an anonymous communication about it.

2196. Is that on account of jealousy between the different classes of persons licensed?—Yes.

2197. Then you have not had reason to believe, for example, that it has been common to allow liquor to be consumed on the premises of licensed grocers?—No, I do not consider that it is common.

2198. Is it your opinion that if the police are active, it is reasonably easy to enforce obedience to the law?—There is a difficulty existing at present, and I have taken extracts from certain Acts of Parliament, which, I think, if there is any amended act, would assist us very materially. I have taken them from the Irish Act. For instance, I think we should have inspection of the grocers' shops, as well as of the publichouses. I think that very necessary. The evasions take place by the grocers frequently by supplying drink to persons taking it outside, and consuming it there. Now, there is a very salutary clause in the Licensing Act, 35 and 36 Vic., cap. 94, sec. 83, that if any purchaser of any intoxicating liquor from a spirit grocer drinks such liquor on the premises where the same is sold, or on the highway adjoining, or near such premises, such spirit grocer shall be subject to the following penalty: First offence, £10; second and any subsequent offence, £20. Now, I would even go farther than that, and I would make the person who consumed it also liable to a penalty.

2199. Otherwise it might operate unfairly?—Yes. In fact, I have had very many complaints from proprietors in the county, near to grocer's shops, as to seeing the people outside consume drink, the grocers sometimes lending vessels to contain it.

2200. *Mr Campbell Swinton.*—I suppose that is the way in which you would implicate the grocer,—by the fact of his having lent a vessel for the consumption of the liquor?—Yes, together with the guilty knowledge. For instance, he may give them a bottle, or they may consume it without any vessel.

2201. It would be very difficult to convict a grocer without proving complicity?—If he saw the fellow go outside and consume it on the street. If you could reach it in any way by statute it would be well.

2202. *The Chairman.*—Is it the practice in Mid-Lothian for the grocers to send liquor out in their carts for delivery?—That is a very common practice.

2203. Have you ever had reason to believe that it was practically sold from the carts?—I have every reason to believe that in many cases it is so, both with the grocers and with what are called bottlers,—bottle

carts that go through the country. To meet that difficulty I think the orders for spirits, ale, and porter should be sent direct to the premises of the vendor, because in many cases a cart goes to a house, and the driver enters the house and receives an order to supply so much, and he immediately goes to his cart and supplies it.

2204. Would it not be rather hard that a man's servant should not be allowed to collect orders in going round?—It would; but the difficulty is to reach them.

2205. Would it not be satisfactory if the delivery order was sent out with the goods?—That might meet it.

2206. *Mr Ferguson.*—Is it illegal at present for those bottlers' carts to sell without an order?—Oh yes; and I have had several convictions in the Dalkeith court against bottlers from different parts of the county supplying miners at once from their carts.

2207. *Mr Campbell Swinton.*—How would you describe a bottler? What is the nature of his trade?—They sell bottled ale and porter. They do not sell spirits.

2208. *The Chairman.*—Is he a man who buys ale for the purpose of bottling it and selling it again?—Yes.

2209. *Mr Campbell Swinton.*—Then he sells on his premises as well as from his cart?—Yes.

2210. And it is legal for him to sell on his premises?—Yes, he takes out a wholesale and retail licence.

2211. It is legal for him to sell on his premises, but not legal to sell from his cart?—Not without a previous order.

2212. *The Chairman.*—Can you tell the footing on which the grocers' licences stood before the passing of the Forbes Mackenzie Act?—So far as my knowledge goes, the grocers were in the habit of selling excisable liquors before the Forbes Mackenzie Act.

2213. In the Forbes Mackenzie Act there is a clause which says that nothing in this Act shall interfere with the sale?—Yes, but in looking at the 9 Geo. IV., I see nothing in that Act preventing the grocer from selling excisable liquor.

2214. The second section of the 16 and 17 Vict.,—the Forbes Mackenzie Act,—says 'Provided always that nothing herein contained shall prevent any person or persons obtaining a certificate as a grocer according to the schedule to this Act annexed for the sale of porter, ale, beer, cider, and perry, or wines, spirits, and other excisable liquors, by retail, but not to be consumed on the premises.' That shows, does it not, that it was the custom to obtain such certificates before the passing of that Act?—But I cannot find the certificate in the appendix to the 9 Geo. IV., cap. 58.

2215. *Sheriff Crichton.*—There was no distinction between the certificate granted to a grocer and that granted to a publichouse previous to the Forbes Mackenzie Act?—No.

2216. The grocer then just got a publichouse certificate?—Yes.

2217. *The Chairman.*—Is that so,—that previous to 1853 the grocer had a common publichouse certificate?—Yes, and he sold victuals and spirits under it.

2218. *Sheriff Crichton.*—The Forbes Mackenzie Act was the first which classed them into hotels, publichouses, and grocers?—Yes.

2219. *The Chairman.*—Setting up the difference that the grocer might only sell liquor not to be consumed on the premises?—Yes. I put in a table containing the population and the number of licensed houses in every parish in the county.

2220. Would you tell us what convictions have been obtained in the county in a series of years for drunkenness,—for being drunk and incapable, and drunk and disorderly?—I have taken an average of them. I did not take them in separate years, but I can send that in. The average was about 48 annually of drunk and incapable.

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2221. Has there been any increase of late years in the number of such convictions?—Yes, a few years ago when the high rate of wages existed, we had more of them.

2222. Have they now fallen?—Now they have fallen back again.

2223. As low as they were previously?—Yes. I find also, under the Act I quoted, 35 and 36 Vict., that any person found drunk in any wine or other publichouse shall suffer a penalty not exceeding 10s., for a second offence within twelve months 20s., and any subsequent offence 40s.

2224. *Mr Campbell Swinton*.—That is the English Act?—Yes.

2225. What is the date of that?—About four sessions ago.

2226. *Sheriff Crichton*.—We have been told that the provision in the 14th section of the 25 and 26 Vict., which provides for the reporting of people who issue from premises in a state of intoxication has not been observed. How is that in your county?—It has been observed on several occasions, but not generally.

2227. It has not been generally observed?—No.

2228. Have you any suspicion that the police under your charge have been treated by licensed grocers?—No, I have no reason to believe that.

2229. We have been also told that the dwelling-house of the grocer should be separate from his premises. Have you any opinion with reference to that?—I think it very desirable that it should be. Much has been said as to sealed bottles, but from my long experience I cannot see what real benefit would arise from that. I am under the impression that the whisky would be consumed very rapidly, and that it would create more drunkenness than we have at present.

2230. *Mr Campbell Swinton*.—If it were a large bottle; but would that objection apply if it were a small bottle, a half pint?—The Act applicable to that in England has been enforced, I believe, for six or seven years. I think it was a measure brought in when Mr Gladstone was in office; and I have heard from my friends in the east end of London that it has caused a large amount of misery among the labouring classes there.

2231. That was an Act allowing grocers to sell for the first time?—Yes, and I am told it has caused a large amount of misery in many parts of London.

2232. But that does not affect the bottle question?—But I believe it is sold in sealed bottles.

2233. *The Chairman*.—In that case the licence is granted by the Excise without reference to the magistrates?—Yes, I believe so.

2234. *Mr Campbell Swinton*.—And there is no investigation into the man's character?—No.

2235. *The Chairman*.—Is it your opinion that it is at all injurious to the working classes to have the means afforded by the grocer's licence of procuring spirits and drinking them in their own houses? Are increased facilities afforded by those licenses?—The system of grocers having the Excise licence is so deeply rooted that I fear there would be a difficulty in abolishing it altogether. I think if there was some alteration in the law by which more stringent measures could be adopted in regard to the supply of spirits, ale, and porter by the grocers, that might have a beneficial effect; but I cannot see my way to abolishing the system entirely.

2236. What I am desirous of knowing is, whether your opinion is on the whole favourable to the system, as no doubt it is defended by some on the ground that it leads to good order, and that whatever drink is consumed should be consumed rather at home than in the publichouse?—If such a measure could be got, I have no doubt it would have a very salutary effect, and would prevent a large amount of drunkenness, particularly amongst the females who get their groceries and other things at the grocer's, and have an opportunity of then getting spirits. If they had not the facility of going to the grocer for spirits, I do not think they would go to the publichouse for it. I think

they would be rather ashamed to go to the publichouse.

2237. So that it does tend to more drinking?—In a degree it does.

48. JAMES COWAN, Esq., M.P., examined.

2238. *The Chairman*.—You are Member of Parliament for the city of Edinburgh?—I am.

2239. You have taken an interest in the movement which has led to the appointment of the present Commission?—Yes, I had something to do with it in London. I introduced the grocers' deputation to Mr Cross, and subsequently made various statements to Mr Cross, and gave him some statistics during the time Sir Robert Anstruther's Bill was in progress, and Mr Cross said in the House that in consequence of the statistics given by the two members for Edinburgh differing so much, he had thought it proper to appoint a Commission, and I believe I introduced the licensed grocers, and Mr M'Laren introduced those who were very much against them.

2240. Then you are stating what may be called the independent case on behalf of the grocers?—I took, of course, the part of the grocers, believing myself that the trade was of very great use, and I had asked the grocers to get up various facts and statistics in Edinburgh, and to prepare them with a view of laying them before the Home Secretary, that we might at any rate have information. I had been for a very short time Lord Provost of Edinburgh, and had paid some attention to the subject then, and I got the following statement [Mr Clark's table], which I will hand in, showing the apprehensions every year for drunkenness. I wish particularly to call the attention of the Commission to the fact that in 1854 we had 185 more publichouse licences than grocers' licences in Edinburgh, whereas in 1876 we had 138 more grocers' licences than publichouses. In 1854 we had one licence for every 184 of the people, and in 1876 one for every 240. You observe, therefore, that the increase of grocers' licences has been very great, and there has been a diminution of publichouses, and the result of the committals has come down to nearly a third what it was when the Forbes Mackenzie Act was passed. (See App. D, p. 505.)

2241. It is still considerably in excess of the point to which they had fallen?—The lowest point to which they had fallen was .89 in 1871, from 3.18 in 1854. Of course there was a great increase of wages at that time, and the working people found themselves in a state of wonderful prosperity very suddenly, and I daresay many of them did not know very well what to do with their money. It is now 1.09, being an increase since 1871 of .80. I heard Mr List say that in the county they had come down to the old rate. I cannot say whether that is so in the town or not.

2242. I don't quite follow the deduction you made from the figures; but the column to which I wish to direct your attention is that containing the number of persons found drunk and incapable in the streets, and that containing the number of those found drunk when apprehended for crimes. You will see that whereas in 1870 to 1872 there were between 1700 and 1800 so found drunk and incapable, the number has risen again gradually and successively in the four years following to 2311 in 1876, being the largest number since 1866?—I am only taking the percentage in the last column. You have to make an allowance for the great increase in population. From 1854 to 1876 the increase in population in Edinburgh cannot be less than 30 per cent.—from 160,000 to 220,000.

2243. There had been a great increase in the population from 1854 to 1867, and nevertheless there had been a gradual and successive reduction in the number of such cases, whereas from 1869 there seems to have been a turning point, and a successive and gradual increase?—The correct way to take it is to

take the percentage and not the numbers, because you must make allowance for the increase in the population.

2244. The percentage would give the same result, would it not, though not to the same extent?—It would give an increase from .90 to 1.09—20 per cent.

2245. Nevertheless, taking the percentage from 1854, without a turning point down to 1871, there had been a diminished percentage in spite of the increased population, and from that time there had been a successive increase?—In 1854 the percentage of the population found drunk and incapable in the streets was a little over three per cent., and in 1871 under one per cent. I refer to the last column in the return.

2246. But taking the percentage from 1854 down to 1871, there had been a diminished percentage in spite of the increased population, and from 1871 there has been a successive increase. Is that not so?—There has been an increase from .89 per 1000 in 1871 to 1.09 in 1876.

2247. Then it would not be correct to say that in the last five years drunkenness has been diminishing?—I am perfectly correct in saying that there has been a great diminution in drunkenness since the passing of the Forbes Mackenzie Act. I said there had been a slight increase since the time of high wages, but the decrease in Edinburgh is enormous compared with what it was twenty years ago. And I wish to remark in regard to the number of grocers' licences that I think it had been apparently been the policy of the magistrates in Edinburgh to encourage grocers' licences. It certainly was mine, and I was inclined, I frankly admit, to give a grocer's licence to any respectable man who applied for it, believing that the people have as much right to have spirits as we have ourselves. I would prefer greatly seeing an increase in grocers' licences and a diminution in publichouse licences,—I mean *pro rata*,—and that the people should take what they wanted home, and take it with their wives and families instead of going outside.

2248. You would not consider it an evil that the domestic use of spirits should increase?—No, not at all. In my experience all northern nations use spirits, and cannot do without it; and in our climate, where to a large extent in winter existence is a state of suffering and not of enjoyment, it is necessary to have spirits. If you go through Europe you will find all the northern nations using a large quantity of spirits, while in the south they use little. The increase in the consumption of spirits in this country I don't suppose is greater than the increase in the consumption of tea, and tobacco, and sugar. I have no data, but I believe it is not; and I think what we have to look to is the present condition of the people,—the sobriety, and wealth, and morals of the people, and not so much what quantity per head they drink of spirits, remembering that of course in England a very large part of the drink is beer, which we have not.

2249. Were you going to show that the public morals had also improved?—That is a very difficult matter. There is no doubt that in the prisons there are fewer criminals than we used to have, but when I take into view the reformatories to which many of them are sent, I don't base much on that. I can appeal to any old inhabitant of Edinburgh like myself, to compare the state of the streets in their youth with what it is now. I don't know any town in Europe which presents a greater difference than Edinburgh does now. I could take my wife or sister through the streets of Edinburgh in the evening, and ten to one meet with nothing to offend the sight or the taste. Now, that was not at all the case long ago. I think one material fact which I showed Mr Cross, if you will allow me to mention it, coming within the scope possibly of your Commission, is the great increase in the deposits in the savings banks. In Edinburgh and Leith we have one depositor in the savings bank in every five of the population; and curiously enough in the two towns, Edinburgh and Glasgow, which get such a character for drinking, we have a larger number per cent. than

any town in England by a great deal, with one exception, viz., Exeter. We have in Edinburgh 51,000 accounts, and you will be glad to see that there are 11,000 accounts under £1, and there are 11,000 accounts under £5, showing the saving habits of the people, and the great amount that they have saved, and how universally thrift and the habit of saving has spread in Scotland generally. All my argument is to show that at any rate Scotland is not worse, but a good deal better than it was long ago, and I may be think it allowed that when a person opens an account in a savings bank he does not drink, or he will draw it all out,—at least, he does not drink too much.

2250. Should we gather from what you have said that your opinion is that the habits of the people have improved so much that it is not necessary to impose any fresh restrictions upon the liquor traffic, with a view to diminish its consumption?—Yes; if I might be allowed to make a suggestion as to restrictions, I would gladly do so, and it is based on inquiries which I made. It is that Government, instead of interfering with grocers' licences or with publichouse licences, would make one universal rule to restrict the hours. If you look at the Blue-book you will see the damage done in Liverpool four years ago by the increase of hours which Mr Cross made—of course with the best intentions. In Liverpool the apprehensions just now are, I am sorry to say, one in 25. They have increased by 2000 or 3000 since the change of the hour.

2251. *Mr Campbell Swinton*.—What was the extension of the hour?—It is now 12 o'clock.

2252. In Liverpool?—Yes.

2253. What was it formerly?—Eleven. When I was down here during the recess I made inquiries through various publicans, some of them very largely connected with the trade, and also through the licensed grocers, as to how they would receive any proposal for restricting the hours in the evening, and I was very glad to find what the view was about that. I don't say it was the universal or the general opinion, but amongst those most largely interested,—and I may mention the name of Mr Rutherford for one, who has a great business, and a great many shops both in Edinburgh and Glasgow, and he would very much prefer to cut off some time in the evening. They are open much too late, and they think, and I agree with them, that that is the direction which all lovers of temperance in Scotland should take to diminish drunkenness.

2254. *The Chairman*.—Is it your opinion that it would be possible to compel the grocers to close earlier if the publichouses were not also closed earlier?—I don't think it would do any good if it was merely the grocers who closed earlier. Certainly the two ought to go together. Mr Rutherford is not a grocer, he is a great publican, and has a great many publichouses.

2255. So far, that is most pertinent to our inquiry, but we are not free to go into the question regarding the publichouses?—I only mention it because the Lord Advocate desired me to write him a note on the subject, which I did, and it was handed to Mr Cross. I asked Mr Fraser-Mackintosh to make inquiries for me in his burghs. I have not the paper with me, but I am giving very nearly accurately the result, and I think he found that there were fifty-five licensed grocers in Inverness, forty-seven of whom were in favour of shorter hours; and in another of his burghs, —I think it was Nairn,—every one of them was in favour of shorter hours. And from all the inquiries which I have made, I find that if the publicans were also to close earlier, the licensed grocers would greatly prefer to close earlier.

2256. *Mr Campbell Swinton*.—When you speak so strongly about the improvement in the morals of the people, and connect with that the question of drunkenness, did you advert to the last column but one of the table, from which it appears that the percentage of population drunk when apprehended for crimes has increased since 1854 from 2.19 to 2.27? You spoke only of those as drunk and incapable in the streets?—I think there is a very wide difference between the two columns so far as regards the morals of the people

EDINBURGH.

James Cowan.

EDINBURGH. Men who commit crimes are very generally somewhat elevated when they think of anything of the kind; but what we have to do with more, I think, is those who are drunk and incapable.

James Cowan.

2257. Don't you think we have also to do with the other class?—I admit we have.

2258. Though it is the case that criminals may be very often the worse of liquor when they commit crimes, is it not worth mentioning that the percentage of those who are in that state was greater in 1876 than in 1854?—I am perfectly willing to take the two together, but it is notorious that a great proportion of those who commit crime at all times, are, to a certain extent, under the influence of drink.

2259. But is it not of some consequence to know that the percentage of those in that state is greater now than it was in 1854?—I am not looking so much at criminal drunkards as at ordinary drunkards.

2260. *The Chairman.*—You propose, I believe, to speak in regard to the question of justice to the grocery trade in regard to making any change?—I think the grocery trade a very important one, and one of the most necessary in Scotland, for we would all suffer the greatest inconvenience if it were done away with. In England, as we all know, the grocers occupy a different position, and so do the publicans. They have in England the jug entrance and the private entrance to a place where we could send our servants or the working people could send their families, where they don't meet persons taking drink at the bar. The custom in Scotland is very much what it used to be in France; the grocer is the wine merchant, and has always stood in that position to the lower middle class—if I may venture to speak of class—and to the working people. They go to the grocer as others go to their regular wine merchant. I have thought a good deal about the question as to the pint or quart bottle, and I confess it is attended with great difficulty; but seeing that there are generally no lock-fast places in the houses of that class, and that I would not like myself to have a bottle of whisky always staring me in the face in the room in which I was sitting, I must say I don't think it would be for the benefit of the people that they should take more into the house than they were to consume at the time. In fact, the whisky would not keep,—it would go.

2261. *Mr Campbell Swinton.*—That objection would not apply if the bottle was made small enough?—The whisky would not keep over the night.

2262. But supposing that it was a bottle that would hold only a gill?—I think none should be allowed to go out unless in a sealed vessel, but I am not prepared to recommend any definite size of sealed vessel. I made inquiry in one of the first shops in Edinburgh—a shop in the best part of the town, and doing a large business,—and I find that one-fifth part of the spirits that he sells is in quantities of a pint. It goes out generally in a gill and two gills at a time. I think it would be dangerous to make it a bottle, for I think that would do more harm than good. The people will have whisky, and the point is to let them have it in the safest manner possible.

2263. *The Chairman.*—You think that if there be a proper check kept on the smaller grocers, there is no reason why the trade should be interfered with?—I think there is something wanted in regard to the smaller grocers in the country. I am afraid it is too true that occasionally drinking goes on on the premises there. I have never heard of a case, but there are a great many complaints; and from my own friends in the country, I know that it is generally suspected. But in the towns I believe the grocery trade is about as pure as it could be, and that the men composing the trade are at least on a par with those in other trades in the towns.

2264. *Mr Campbell Swinton.*—Do you apply that even to the humble class of grocers in the town?—I apply it to the grocers generally in the town. In a very large trade like that there must always be some who are not worthy, but I apply it to the trade generally.

2265. *The Chairman.*—Is there any other point you wish to notice?—I have nothing else to say except that having been a good deal with the grocers in London, I happen to know the sentiment of the association which represents the whole trade; and I know the grocers were very anxious for inquiry themselves, and they urged inquiry upon Government. They don't fear it. They believe that the more that inquiry is made the more will it turn out that they occupy a very important place in supplying a want to the public, and that as a body they are most anxious to conduct their trade in a most honourable manner.

2266. *Sheriff Crichton.*—You have no suggestion to make with reference to any alteration of the law?—Not except as to the reduction of hours.

2267. *Mr Campbell Swinton.*—And the sealed vessels?—Yes.

2268. Has it ever been suggested to you that it would be an improvement if no cask with a tap were allowed in the shop, and that the bottling should take place in the cellar, so that nothing should be in the shop except the sealed bottles?—I have never thought of that.

2269. Now that it is suggested to you, do you think it would be an improvement?—I should think it would be an improvement. I am sure the grocers would be glad to adopt any improvement that they felt to be one.

2270. Some of them say it would be very inconvenient?—Very likely.

49. MR ALEXANDER SHEARER, examined.

2271. *The Chairman.*—You are head gardener to Lord Tweeddale at Yester?—Yes.

2272. Have you had experience from your observation of the working of the grocer's licence in a country village?—Yes; for 36 years in the same place.

2273. That is in the village of Gifford?—Yes.

2274. What licences are held in that village?—There are two publichouses and one licensed grocer.

2275. And what is the population of the parish?—1000.

2276. And what do you suppose is the population of the village?—About 500.

2277. Is that grocer's shop largely resorted to for liquor?—Yes; particularly by those that send their children for it. They don't send to the publichouses, but they send to the grocer's shop, and get it there continually. It is restricted in the publichouses. I have known cases where people addicted to drink have been refused drink in the publichouses, but I never knew a case where it has been refused in the grocer's.

2278. They sometimes send their children for the liquor?—It is generally the children that come for it. I have been in the shop myself when they came in. They know me very well, and they know that I don't approve of these things. They put down the bottle, and instead of asking for whisky, they say, fill that with paraffin. Before paraffin came in they asked for castor oil. Now, I don't say this applies to the town. I speak entirely of the country districts. I know the people intimately who have done this.

2279. *Sheriff Crichton.*—And have you seen these bottles filled with spirits?—Oh yes. I know the barrel.

2280. *The Chairman.*—That was simply done because they knew that you disapproved of it?—Yes, and they don't like to do it when other people are in.

2281. Is it thought disreputable in the village to send the children in that way?—Yes, it is only the very lowest that do it. It is the lowest class of working men's wives that do it principally, and they go there and get it in small quantities, and take it out and

drink it. I never saw any drunk on the premises, and I don't believe that is ever done.

2282. Do you know whether women send for drink in this way unknown to their husbands?—Yes, that is the great fault of it.

2283. You could speak of instances where that is done?—I know one, a very respectable man, whose wife got into that habit; he can stop it from publichouses, but not from the grocer's. She goes to other neighbours' houses and sends the children for it. He laments it very much, and would be very glad to stop the grocers' licences. I know other cases, too, the very same; and it has a very bad effect on these people, getting the whisky in that house while they don't get it in the publichouse.

2284. The men can keep their wives out of the publichouse?—The drinking goes on during the day with these people. The men can keep it from their wives at night.

2285. Do you know of them running up accounts for spirits at this shop?—No, they generally collect the money amongst themselves. Two or three of them meet and subscribe the money.

2286. They club together?—Yes, that is generally the way.

2287. In your position you disapprove of this, and think it is doing mischief; but can you say what the feeling is among the working men?—They are against it—every one of them. I speak of the respectable men. Those that like it themselves don't say so much about it, but the respectable men don't wish it.

2288. Is this shop respectably conducted?—Yes, excepting in that way. I never saw any drinking in it. It is respectably conducted otherwise than giving free access to children to come in and get the whisky easier than in the publichouse. That is all the fault I have to it.

2289. Do they ever take open vessels for it?—No, it was always in the bottle that I have seen it.

2290. *Mr Campbell Swinton*.—But I suppose there are respectable people in your neighbourhood who like to get a little whisky for home consumption?—Certainly.

2291. If there was no grocer's licence they would get it at the publichouse?—Let them go to the publichouse, then, for it is licensed for that purpose.

2292. You think it is better that they should go to the publichouse?—Yes, or why not licence every house, and let every man sell drink if he choose? Thirty-six years ago there were five publichouses in the place, and now there are only two, and there is more drinking with the two than there was with the five.

2293. Then you don't think the diminution in the number of licences in the country districts has done much good?—No, I don't think so. They would sell bad whisky if there was only one of them. That is my opinion.

2294. *The Chairman*.—You don't wish that there should be a great many publichouses?—No, but it would do no good to limit them to one. The justices reduced the number in Gifford for the purpose of improving the community, but the diminution has not led to less drinking.

2295. You think that when people buy whisky, it should be done openly?—Yes, if they are doing no harm, why hide it. The men should all go into the publichouse openly. I would not stop the publichouse; let them go there if they want it.

2296. *Mr Campbell Swinton*.—You would not allow drink to be sold anywhere but in publichouses?—Only in the publichouses. I am only speaking of country villages, not of towns.

50. *Mr JOHN MUNGALL*, examined.

2297. *The Chairman*.—You are a licensed grocer in West Calder?—Yes.

2298. You are a grocer, provision, and spirit merchant, also a draper, and dealer in feeding stuff for cattle?—Yes.

2299. Have you a considerable business in selling liquors?—Yes, a good deal.

2300. What sort of quantity in a year?—From a gill to a gallon.

2301. But a considerable gross quantity in a year?—Yes, brandies and wines too.

2302. Have you much custom among the working classes?—Yes, a good deal.

2303. Do many of them buy in small quantities?—Yes.

2304. What is the smallest quantity you sell?—About a gill.

2305. Often a gill?—Yes.

2306. You have a great many public works about West Calder?—Yes.

2307. Do the people there, getting good wages, get a good deal of liquor from you to take home for use in their own houses?—Yes.

2308. Do they ever ask you to let them drink it in the shop?—No.

2309. Do the women come to buy it?—Yes.

2310. And do they send their children too?—No, not children under age.

2311. I see you say you sell about 120 gallons a month in small quantities?—Yes.

2312. And there are six grocers with licences in the place?—Yes.

2313. Are there any grocers without licences?—Yes.

2314. How many?—Four or five.

2315. Have you always had a licence since you were a grocer?—Since the business was started in 1818.

2316. Was there always liquor sold in the shop?—Yes, it was the only shop in the village at that time, and we dealt in everything. It was a small rural village then. We were general merchants.

2317. But although you sell liquors as well as provisions, some grocers manage to do business without licences?—Yes.

2318. I am told that you do some business which the other grocers do not?—Yes, drapery and ironmongery.

2319. *Mr Campbell Swinton*.—In the same shop?—The cloth shop is separate, but the ironmongery, groceries, and spirits are together.

2320. *The Chairman*.—Is there much hard drinking in the neighbourhood?—On the Saturday night mostly. Every Saturday is a pay night.

2321. Is there most whisky sold on that night by you?—Yes.

2322. Do you think that they buy it to drink it at once, or to drink over Sunday?—It is taken away. I have a number of customers who deal with other grocers, and they come into my shop with their basket containing groceries, and take away their half-mutchkin.

2323. They go to other grocers for their provisions, and come to you for their whisky?—Yes, they come with provisions in their baskets, and take away whisky in a bottle.

2324. What is your opinion as to separating the trade of provision merchant and spirit merchant?—I think it would be hurtful to the trade.

2325. To which trade?—To the provision trade.

2326. Why so?—If some people come to you for whisky and go to other grocers for their provisions, why should they not go to one shop for their meat and to another for their drink?—They must get a better article or something of that kind, because they might go to the publichouses to get their whisky. I suppose they come where they know it is best. We have a good country connection, and we supply families and others.

2327. Suppose instead of having one shop you had two shops, one the provision shop and the other the spirit shop?—That would be inconvenient. We would require more hands.

EDINBURGH. 2328. What has been suggested to us is that from the grocer having the licence to sell spirits, many people come to him to buy groceries and take away spirits who would not have bought the spirits otherwise. Do you think that is so?—If they could not get it in the grocer's they would go to the publichouse for it.

2329. But it would not be so much in their way to do so?—I don't know. If they are inclined to have spirits they will have it.

2330. If it is a fair question, are you aware that sometimes there is a separate account kept for spirits? It has been suggested to us that sometimes the wives have a separate account?—It is not so with me.

2331. Do you always enter spirits in the account?—We always enter spirits if they get spirits.

2332. By their proper name?—By their proper name.

2333. Never as goods?—Never.

2334. *Mr Campbell Swinton.*—Do you give credit for spirits?—Yes, to good customers.

2335. And you take your chance for recovering it?—I have not been in the court for a number of years. My customers are pretty good. I have them well picked now.

2336. You have your customers well picked?—Yes.

2337. *The Chairman.*—It has been proposed, and is the law in England and Ireland, that a grocer should not be allowed to sell any quantity under a quart bottle. What effect would that have on your business?—It would hurt it a good deal.

2338. Do you think that they would not buy a bottle and keep it till it was done, if they had a regular use for it?—I think for those that want half a mutchkin of whisky it is very hard that they should have to buy either a pint or a quart. They may perhaps require it as medicine.

2339. You could manage that it should all be sold in bottles, whether large or small. Suppose you were allowed to sell it in a gill bottle?—I have no objection to that—from a gill upwards.

2340. That is to meet the complaint that has been made that children are very often sent with mugs and jugs?—I refuse all those that fetch vessels.

2341. *Mr Campbell Swinton.*—Would you have any objection that the bottles should be sealed?—That would cause more labour.

2342. That is not a very important consideration, is it? You could do it?—It could be done.

2343. You don't sell your groceries below cost price in any case because you sell spirits?—No.

2344. Do you sell the groceries any cheaper?—No; we cut pretty fine in all things. We rather have a large trade or turn-over and small profits; and that is the rule of the day now.

2345. Do you send out a cart to the country?—No; I have a cart that goes to Addiewell twice a week. I had a store there for a number of years, but Young's people bought it up, and I just carry on my old customers.

2346. Do you send liquors in the cart?—No, unless it is ordered. It is all ordered beforehand. Our young man takes the orders on Monday, and they are delivered on Tuesday; or he takes the orders on Thursday, and they are delivered on Saturday.

2347. *Sheriff Crichton.*—Then nothing is sent in the cart except what is ordered beforehand?—No.

2348. *The Chairman.*—You would have no objection to send a delivery order?—Not the least.

2349. Is there anything else you would like to say?—Nothing.

2350. *Mr Campbell Swinton.*—You said you would have no objection to sealed bottles except for the trouble of sealing them. Would you have any objection that no cask should be kept in the shop, but that the cask should be kept in a cellar, and that there should be no selling of whisky from the tap?—That would be a great hardship. Our spirit place is fitted up with large barrels, and it is drawn from a fountain to the counter. It would be very awkward to go and bottle below.

2351. Why?—It would be more troublesome a

little. It would be very inconvenient. The assistant in the shop can be filling the bottles in the front shop when he has nothing else to do.

2352. If it was thought conducive to morality generally that such a rule should be adopted, you could bear the inconvenience, could you not?—I see no harm in the casks being in the front shop.

2353. Would it not only be carrying the principle farther that you say you don't object to—of having sealed bottles?—It would be very inconvenient filling such a number of bottles down in a cellar where there is nothing but gaslight.

2354. *Mr Ferguson.*—When they come with bottles to be filled up, I suppose they are securely corked before being given out?—Yes.

2355. They are sufficiently corked to prevent the cork being easily taken out by the messenger?—They are all filled and corked ready to go out. They bring an empty bottle, and we give out a full one.

2356. *Sheriff Crichton.*—Then you don't fill the bottle which the person brings?—No; the bottles are filled ready to go out.

2357. Have you large quantities of bottles in your shop ready filled?—Yes.

2358. Of all sizes?—Yes.

2359. From what?—From a gill up to a quart.

2360. *Mr Ferguson.*—They bring an empty bottle to you, and you give them a full one which you have prepared beforehand?—Yes.

2361. If that is your custom, what would be the difficulty of filling them in a cellar or in an outhouse?—Because I have all my stock casks in the front shop, and they run by gravitation. They are on gantrees, and they fill by gravitation.

2362. *Sheriff Crichton.*—It is not the inconvenience of filling the bottle that you feel?—No.

2363. *Mr Campbell Swinton.*—Then the inconvenience arises from the way in which your premises happen to be fitted up?—Yes.

51. Mr JOHN CRASTER, examined.

2364. *The Chairman.*—You are superintendent of the Wellington Reformatory?—Yes.

2365. What have you to say in connection with the inquiry as to the operation of the grocers' licences?—The information that I propose laying before the Commission is that licensed grocers and licensed houses of all kinds have the tendency very much to increase juvenile crime.

2366. That is to say that the drinking habits of the population do so?—Yes. When I speak about licensed grocers and publichouses, I speak of them as giving facilities for the working-classes getting drink, through which juvenile crime to a very great extent exists. My experience for the last twenty-two years amongst the lapsed masses—among the juvenile delinquents—of our city is to this effect, that two-thirds of all who have been under my charge have become criminals in consequence of drink either got at one or other of these houses. My eighteen years' experience in Edinburgh goes to prove the great fact, and also that where these houses and shops are in great numbers, it is from these localities that we get the greatest numbers of juvenile delinquents. For instance, as Mr McLaren very well said a few days ago, if we take a line from the Castlehill down to Abbeyhill, we find there are 90 licensed houses. Now, if I take 450 of the young criminals of Edinburgh that have been under my charge within a certain radius, I find from that locality there have been convicted—from the Lawnmarket, 23; from the High Street, 95; and from the Canongate, 57—making in all, from the Castlehill to Abbeyhill, 175 young criminals out of 450. If we take another line from the West Port down to the South Back of Canongate, near the Pleasance, we find that in the West Port there are 7 licensed houses; in the Cowgate, 11 public-houses

and 20 grocers' licences; and in the Grassmarket, 10 publichouses and 3 grocers' licences—making, in all, 53. If we go to the West Port, where there are more grocers' licensed shops than publichouses, I have received from that locality 18; from the Grassmarket, where there are more publichouses and fewer grocers, I have received 6; and from the Cowgate, where there are more grocers than publichouses, 45; so that in a straight line there are 53 licensed houses, from which we have received 69 juvenile criminals who have been convicted of various offences.

2367. Do you draw any conclusion as to the comparative bad effects of grocers' licences and publichouse licences upon the class who furnish the delinquents?—I may state that it is my business not only to receive the boys as Governor of the Institution under my care, but as a rule I make it my business to visit the parents of these children frequently; and my experience is this, that almost every one of them—at least with two out of every three—that the children have learned the bad habits of drinking with their parents, in consequence of being sent at an early age for the drink to the low grocers in these localities. I will give an illustration of what I mean. I visited a house some weeks ago, from which house a boy was sentenced at the age of 13, and the mother had been 15 times convicted of being drunk; the boy learned the art of drinking from his mother sending him to the grocer for the spirits, taking a sip of it, and getting a liking for it, and ultimately becoming at that early stage a confirmed little drunkard. He was brought up for the offence of breach of the peace, which was that while he and his mother had been drinking in the house, he had taken a chair and struck her on the head, which caused a row in the house, and the policemen interfered; and for this offence he was sent to us recently for two years. This is one of the many results of the children of these parents learning the art of drinking by being sent to the grocer's so very young for whisky as well as groceries.

2368. If the whisky had been got from the publichouse, and drunk freely in the house, they would have got a taste too, would they not?—I don't know that they would, because I find that children are sent very early to the grocer's for drink in open vessels, and they sip it and get a liking for it, and they would not send their young children to publichouses for the drink.

2369. They would not be served if they did?—They would not be served.

2370. In the low class of houses we have heard that whisky very often goes all round, and the children get a drop too. Therefore it would not matter where it came from, would it?—Perhaps it would not matter where it came from; but I only give my experience as to how these children get a liking for the drink, and I give it not only from my personal observation on my visits to the parents, but from questions I put to the young children.

2371. *Mr Campbell Swinton.*—You said the children cannot get it at the publichouse? Is not the law exactly the same with reference to both publichouses and grocers as to giving drink to children?—I cannot say that it is, but I know that these degraded parents would never think of sending their children to publichouses at such an early age as 9 or 10. I don't know that the publicans would serve them. In fact, I know it is contrary to the law.

2372. It is equally contrary to the law for grocers to serve them?—That may be, but you will see it daily.

2373. Why do you think that that degraded class would not send their children to the publichouses, supposing there were no licensed grocers?—Because they have certain shops from which they purchase their provisions; they have what they call running accounts with these shops, and not having ready cash to send their children for the drink, they simply send the book, and they get the provisions and the drink brought in at the same time. This is done at all hours of the day, when the husbands are working or away from the house.

2374. And the difference is that they get credit from the grocers, whereas they would not get credit at the publichouse?—That is my experience.

2375. *The Chairman.*—But is it within your knowledge, from the information of individuals, that many of these boys have begun to drink from being sent to the grocer's to bring whisky home?—It is within my knowledge, and I have them at present under my charge; boys—not of what we term the thief class, far from it—they are boys who have gone astray by indulging in those vicious habits which they have learned from their parents.

2376. *Mr Campbell Swinton.*—These are the localities where the drink is got in open vessels?—Yes.

2377. Would it be a remedy, and avoid the evils you speak of, if the drink were only sold in corked and sealed vessels?—I think the only remedy is to have none at all.

2378. But suppose that were done, the sipping by the children would be avoided by having the drink given out by the grocer in sealed bottles?—Yes, to a great extent in going to or from the house; but when the mother and her child drink together—which I have many instances of—it is no matter whether the bottle is sealed or unsealed, whether the drink is in an open vessel or a corked vessel.

2379. But the difference there would be that if the liquor were once in the house it would not matter whether it came from the grocer or the publican. The evil of sending to the grocer instead of the publican is that being in open vessels it can be sipped on the road?—Yes.

2380. Whereas if grocers could not sell, and if it was got in the publichouse, the mother and child might still drink as much as they do now?—Yes.

2381. *The Chairman.*—You are, I suppose, acting from a general desire to promote temperance, and you even go so far as total abstinence?—I am acting for the good of the people, for the good of the city, and from a desire of saving the poor children. I have no hope whatever of diminishing juvenile crime to a minimum unless the sources and the causes be dried up.

2382. You view the sale by the grocer as one of these sources?—I do, as being a most prolific source of juvenile crime.

2383. *Mr Campbell Swinton.*—I suppose you view the sale by publicans as another source?—Of course. The drink should be all given up together.

2384. *The Chairman.*—Is there anything further you would like to say?—Nothing further.

52. REV. WILLIAM ADAMSON, examined.

Rev. William Adamson.

2385. *The Chairman.*—To what church do you belong?—Buccleuch Evangelical Union Church.

2386. What have you to say on this subject?—I did not know till late last night that I was to appear here, and I have only a few general remarks to make. I should like first to make a remark as to the general female intemperance of the city. After considerable observation I should like to corroborate the idea that it is increasing. It is very true that the habits of a considerable portion of the community are greatly improving, and I think that is owing very largely to the operation of temperance societies, building societies, and the like; but it is just as true that the city, socially and morally, was never in a lower condition. The evidence of this fact is found in the report issued during the last winter by a very large committee, of which I am a member, composed of some of the prominent citizens, and a large number of ministers of the city, who have been taking into consideration the social condition of the city, and gathering statistics. They have come to the decided conclusion that the social condition of the city was never worse, and that this is largely owing to the intemperance that pre-

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vails. I make these remarks to controvert a statement which I heard made to-day. I am acquainted with these facts also from my connection with the School Board. I take a special interest in the working of the Board under the Education Act, especially with reference to those who come under the compulsory clause. I have attended the meetings, and I can state that ninety-five per cent. of the parents appearing there appear through intemperance. I would also say that upwards of ninety-two per cent. arise entirely from the intemperance of the mothers or wives. This intemperance, I think, is decidedly increased by the present system of grocers' licences.

2387. You will prove that, will you?—I want to notice, first of all, the facilities presented by grocers' licences. They go to the grocers rather than the publichouse, and they send their children there when they won't send them to the publichouse. I know one case of a mother who was once a good mother, but she was led to intemperance. She sent her children that she loved to the grocer, and I know well that she would not have sent them to the publichouse, for she distinctly stated so. She had an idea that it kept them respectable to send them to the grocer. She did it unknown to her husband, and in that case not only was she herself ruined, but her children were injured. They were led to deceive their father, and ultimately both parents.

2388. If she wanted the whisky, would she not have got it somewhere else?—No, her craving was not great originally. The facility of getting it at the grocer's shop was the decided occasion for her intemperance. Ultimately she would have sent anywhere for it. There is also the idea that they get better drink in the grocer's shop. I am not in the habit of drinking myself, but I think that idea is erroneous; still it prevails.

2389. *Mr Campbell Swinton.*—How do you know that it is a false idea that the drink is better at the grocer's?—Simply because I think the publichouses are under the supervision of the analyst of the city, and the publicans may be taken up for adulteration at any time just as much as the grocer.

2390. The system of having an analyst at all is quite recent?—Yes, but I trust that matter will be looked into, for that is the idea. Then, the fact of sending for other things to the grocer's shop seems to me to give an inducement to send for drink. I know for a fact that in working men's houses and other houses, they sometimes send for confectionaries to the bakers at the same time that they send for bread. Now, they would not send for confectionaries if they were not sending for bread, and that is much more strongly the case with regard to intoxicating drink. The temptations are also greatly increased by the present system. I have made inquiries as to these matters for a very long time, and have had my eyes open to what was going on around me in this city and elsewhere, and I have good authority—the authority of a licensed grocer himself—for saying that decent working men's wives and others are regularly treated when they go to the licensed grocers, and when their husbands go along with them to pay the books, it is not an uncommon thing for the grocer to treat them. There is another aspect of the case brought before my mind by a licensed grocer—that working men's wives meet together at the counter, and the one will say to the other, 'Will you not stand a treat or a dram,' and it is not unusual for them to retire to the back shop or premises and have their drink, sometimes before the head of the establishment knows anything about it. I am authorised to state by a licensed grocer, —one who was a licensed grocer when he gave me the information some years ago—that even the policemen were not excluded from their benefactions,—that sometimes these men violate their certificates, and when the policeman came in to see about the matter, they gave him a dram, and got into a difficulty by doing so, by which they were in the policeman's power. The difficulty of getting evidence here is that persons will not come forward and criminate themselves.

2391. *The Chairman.*—You know how easily a

charge against the police is got up. What you have now stated merely amounts to this, that some years ago a licensed grocer told you that such a thing had taken place, without specifying the time; so that it might be ten years ago?—No, it is not that, but I would leave the statement in that way.

2392. But you could not say that this has taken place within the last five years?—The statement was made to me within the last five years.

2393. You could not say that drink was supplied to your informant by a licensed grocer within the last five years?—Not within the last two years at any rate.

2394. It would not do to put it more strongly than it deserves?—Certainly not.

2395. But you have been told that?—I heard it. I could give a case, but I won't trouble the Commission with it at length, that verifies the general statement that temptations are introduced. It occurred when I was in the city of Perth, where I laboured for eleven years. I lived out of the centre of the city, and I knew a case of a grocer who had no licence for a long time; he found it advantageous to himself to have a licence; we gathered a large number of names to petitions against the granting of the licence, but the grocer was more persevering, and he ultimately got it. After he got it, I inquired, along with a missionary who lived in the district, as to the condition of the population resulting therefrom, and we found as a fact that some of the working men's wives who were most eager that he should not get the licence fell victims through that means. That is a fact. I lived very near that house, and I took special interest in it afterwards, and I observed the violation of the certificate again and again. I saw carts, half a dozen at a time, standing at the door for half an hour or an hour, and I have seen carters go in and bring out whisky to the step and drink it there. In making inquiries in 1874, I received the following testimony from a gentleman, than whom there is not in Scotland any one better acquainted with the facts, and I wish to put it on record; I refer to Lord Kinnaird. In a letter to me, he says—'I was induced to take up the subject of legislation with reference to the licensing question, at the earnest request of many of the most respectable men amongst the working classes in Edinburgh, Glasgow, and Dundee, who complained that their wives and daughters were tempted to indulge in habits of intemperance by the grocers offering them a glass of spirits when they made purchases, and also by the facilities afforded to females procuring spirituous liquors in such shops when they would not have had the courage to enter a spirit dealer's premises for such a purpose; and further they found heavy accounts for groceries which they knew to be occasioned by spirits being set down as tea, sugar, &c. On a full inquiry into the subject, I found that the averments of the complainants were but too true, and that a great deal of the intemperance among the women was directly traceable to this cause.'

2396. *Mr Campbell Swinton.*—Is not Lord Kinnaird there speaking of what occurred before the passing of the Forbes Mackenzie Act,—because he says he was induced to take up the question?—Yes.

2397. And at that time it was not illegal for grocers to sell for consumption on the premises?—But that does not at all militate against the seductive influence of grocers having drink there, which is the point I have quoted this to prove. There is another point as to the evasion of the law. If the present state of matters is to continue, so far as regards the licence granted to grocers, I should say there must be more real supervision. That back-shop drinking exists to a very large extent is, I think, very certain. I have found the evidence of that in various ways; and I believe that if this Commission had sent out a commissioner to examine into the shops of Edinburgh, as well as throughout the country—but in Edinburgh particularly,—they would have found that within almost every shop in the city there is a place or places where such drinking could go on unobserved by those who are coming to the counter. This is a fact that

has been corroborated, too, by evidence which I could give to the Commissioners, even by name if they choose. There is one thing I should like to state, and that is that, in all my examination of the matter, I have not found that there is now much of the custom of marking goods down for drink. This may have been common, but I do not believe that it is common now. Managers may do it, but I think the great majority of the masters would disapprove of it, and I think it is now almost done away with. The last thing I wish to notice is, that I think it very unfair to all others that grocers should have licences. I have spoken to those in the trade very frequently, and to those beginning the trade, on this very point, and those beginning the trade told me that they could not possibly get on in the present state of matters except they got a licence. I have noticed from the papers, and I have also heard it, that when they go to the licensing court they plead that they ought to receive a licence, as without it they cannot make a livelihood. That is the main reason urged why the licence should be granted. I made inquiries, and found in one case that from the drink sold about a third, and in some cases one-half, of all the drawings accrue; and when that is the case, those who don't deal in strong drink, and have not the licence, are at a disadvantage. I may also mention that some years ago—in 1874, I think—I was waited on by a deputation from licensed grocers. They knew that I was going to London as a member of the deputation on behalf of Sir Robert Anstruther's Bill, and they waited on me to present to me their case as they looked on it. They said their decided opinion was that the present state of matters should not continue, and that the only solution of the difficulty which they could suggest was a total separation between the two businesses; and they stated that at that time, 1874, it was impossible to get on as matters were then, except they had a licence to sell strong drink. They asked me to represent their case to the senior member for the city, that he might represent it to Mr Cross, the Home Secretary, or the Lord Advocate; and they also suggested that a new order of licences should be instituted, and that the holders of them should be called family wine and spirit merchants. These were licensed grocers; and in the talk we had in my own house, they corroborated generally everything I have said just now.

2398. A deputation from whom?—From some of their number.

2399. A deputation from some individuals,—not from any association?—From a committee or meeting that took place in Edinburgh at that time. There was an agitation going on.

2400. *Sheriff Crichton*.—How many attended?—Three waited on me.

2401. Can you tell me who they were?—I can give you the names of the three.

2402. *The Chairman*.—Do you know of any grocers, in your experience, who have left the licensed trade because of its bad effects?—Yes, I have known such.

2403. How many cases have you known?—I know, I think, four,—one in this city not very long ago.

2404. *Mr Campbell Swinton*.—Left the trade entirely?—He gave it up at great sacrifice, because he could not carry it on in harmony with the principles of Christianity.

2405. He gave up the whole trade,—not the spirit trade alone?—The whole trade. He could not sustain himself with groceries alone, owing to competition, and the fact that the profit was derived mainly from drink.

2406. *The Chairman*.—Have you a number of working men in your congregation?—Yes.

2407. Do you know what their feeling is on this subject?—I think it is decidedly that they should be separated.

2408. Do you know on what grounds they wish them to be separated?—On the simple ground even regarding groceries that they would be better served. A good number of them feel to send their children to such places; they don't want to accustom them to go into any place where drink is sold.

2409. Have you anything else to state?—No.

2410. *Sheriff Crichton*.—You said there was a great deal of back shop drinking. Could you put us on any way of ascertaining the facts with regard to that?—Yes, I think I could. I may mention that I think the difficulty in bringing up evidence of that kind is very considerable, owing to the fact that the influence of a financial kind on the other side is so powerful, that those coming forward might suffer very materially for doing so. If it were not for that I would name persons who would give you distinct personal evidence on that point, as they have done to myself.

2411. If it could be done, it would be very desirable?—I daresay if the Commissioners saw it their duty to take some evidence in private, it might be got. I would not like to ask the individuals to sacrifice much, as they have sacrificed a great deal already.

2412. *Mr Ferguson*.—You think these parties would come and give evidence in private?—I think some would.

2413. *The Chairman*.—As you take an interest in the matter, we shall be much obliged if you will let the secretary know of any such people?—I will. I will consult with them first.

2414. You assure us that in speaking of the practice of women meeting in the grocers' shops and getting drink there, and treating each other, you are really speaking of instances you know?—Yes, instances I believe in. Of course, I was not present, for you can well understand that I don't frequent such places. But they were instances that could be proved to you.

2415. It may be said that these are vague statements, and therefore I put that to you?—The testimony was borne to me by the very person in whose shop they took place. I have made not a single statement but I am perfectly sure can be verified.

2416. You are acting to some extent in conjunction with what is called the committee of citizens for the reduction of the opportunities of drinking?—Yes.

2417. It has been suggested to me to ask with reference to back shops, when you say they retire to drink, do you refer to the back part of the premises used for sale purposes?—Yes, in some cases.

2418. Have you reason to think that the means of concealment were provided by the grocer?—I should not like to impute motives, but they are there. That is all I say. The facilities are there for drinking without the customers at the counter seeing it—without their being seen.

2419. And the owner of the shop suffers them to do it?—Most undoubtedly.

2420. *Mr Campbell Swinton*.—I suppose the class of grocers of whom you have been speaking are the smaller class of grocers?—Not exactly. I would not blame them all. That would be a sweeping thing; but a very large proportion, and not simply of what you would call the lowest.

2421. But still they are an inferior class of grocers—in the New Town, for example?—I don't know so much about the New Town grocers or their habits, but I should say fair grocers.

2422. Paying what amount of rent?—I should suppose some of them paying £80 or £100; but I am not sure of that.

2423. But the shops looked like that?—Yes.

53. *MR JOHN BROOKE, examined.*

John Brooke.

2424. *The Chairman*.—You are a wine merchant in Haddington?—Yes. May I read a short statement of my position? 'I am a grocer in Haddington. I succeeded to a business carried on by my grandfather and father. I have been in business for twenty-three years. My predecessors had the wine, spirit, and beer licence, and I had these transferred to me. Fifteen years ago I gave up the spirit licence, but have continued to carry on the other branches of my business. I discontinued the sale of spirits from the

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Rev. William Adamson.

EDINBURGH. 'conviction that the evil of the immoderate use of spirits was rapidly increasing, and I could not continue to incur the responsibility of supplying it. I was prepared for a large falling off in my business in consequence; it amounted to about twenty-five per cent., and I still continue to carry on my business at a disadvantage. I have, however, proved in my own experience that the sale of spirits is not indispensable to moderate success in the grocery trade, even in a small country town. Before making the change in my business, I considered the question in all its bearings. Some friends suggested to me that by only selling quantities of a quart bottle and upwards I could control the sale, and thus do away with the evil of supplying small quantities of spirits along with groceries. It was my experience, however, that by far the larger part of my trade was selling in quantities of a bottle and upwards, and I could see no other course but to abandon the trade altogether.'

2425. You had observed what you thought the evil effects by the sale which was your business?—Yes.

2426. You have continued to carry on the sale of wines and beer?—Yes.

2427. Do you think that the use of these lighter liquors has increased of late years?—Yes. I think the consumption of beer and of wines has increased.

2428. Do you think that they are to any extent taking the place of spirits, or that it is only because there is a greater use of luxuries?—They are taking the place of spirits in a great measure, I think.

2429. Is it your opinion that the resort of women or respectable people to shops for the purchase of spirits is looked upon with discredit?—Yes, I think women purchasing whisky are looked upon with discredit.

2430. Do you think that if the people who wish to be considered respectable could not get spirits at the grocers, they would go to the publichouse, or that they would abstain?—They would go to the publichouse for it; but that is perhaps not a question that I have anything to do with. I consider that spirit shops should be called into existence that would be much more respectable than at present. They would sell the article of a good quality, and at a moderate price.

2431. If the licence were withdrawn from grocers, you think it would call into existence a business by itself?—That is my opinion.

2432. *Mr Campbell Swinton*.—Which would not be productive of such bad effects?—I think not; because there would be more control over them.

2433. *The Chairman*.—Was your loss of business and profit consequent on giving up the spirit licence on account of the larger profit that is made upon spirits than upon groceries, or did your sale of groceries fall off in consequence?—My sale of groceries fell off, but I did not consider that the profit on spirits was excessive, or that it was very greatly out of proportion to the aggregate of other goods.

2434. You thought you required to make a fair profit on both classes of goods?—Yes.

2435. *Sheriff Crichton*.—After you gave up your spirit licence, did you raise the price of your groceries?—No.

2436. *The Chairman*.—Has your business now righted itself?—It has nearly righted itself now, but it took about 12 years to come up.

2437. Do you think that as a matter of fact licensed grocers do undersell unlicensed grocers in groceries?—In certain instances they do,—more perhaps in the populous parts of towns. It is within my knowledge that they select an article, and cheapen it very much to attract people to the shop.

2438. Should you say that the business of selling spirits could be conducted without inconvenience by a grocer if he was not allowed to sell except in sealed bottles?—Selling in sealed bottles would make it less easy for people to get small quantities, but I do not think that that would very much mitigate the evil that exists at present. I think the principal evil is that people get whisky so very easily. They can get whisky at any time when they go to a grocer's shop for other articles, and that makes it easy, and therefore

they are more apt to learn under the present system than if they were obliged to go to a spirit shop for a given quantity by itself.

2439. Then you think that the respectable public opinion is against drinking, and that if you diminish the facilities for drinking, drinking will be lessened?—I consider so.

54. Mr GEORGE MURRAY, Licensed Grocer, George Street, Edinburgh.

55. Mr ALEXANDER DICKSON, High Street, Edinburgh.

56. Mr JAMES CHRISTIE, High Street, Edinburgh.

57. Mr WILLIAM B. WISE, Leven Street, Edinburgh.

58. Mr HENRY CALDER, High Street, Portobello.

59. Mr ROBERT DOUGLAS THOMSON, South St. Andrew Street and Morning-side.

examined.

2440. *The Chairman*.—You appear as a deputation from the grocery trade of Edinburgh?—*Mr Murray*.—We have not been named by the Committee as a deputation, but as parties suitable to be sent as witnesses to the Commission.

2441. You are members of the Association in Edinburgh?—We are.

2442. You think you can speak on behalf of the trade?—We speak on behalf of the Association.

2443. Does this Association include most of the licensed grocers?—I should say fully three-fourths—except the very small ones.

2444. Mr Murray, would you make a statement on behalf of the trade?—I will make a statement on a few points. There is a question that has been very frequently, within these two or three days, particularly yesterday, put to the grocers about having spirit bottles filled in the shop ready for sale. In very small trades where the bulk is sold in very small quantities, that may be possible, but with the better shops and the larger trades, it is utterly impossible. There is no person acquainted with the working and the conduct of a business in the spirit trade to any extent but will corroborate what I say, because every one in any extent of trade must keep four, five, six, or more different kinds of spirits in separate casks, that is, whisky in separate casks, besides brandy. These are from different distilleries, having different styles and flavour or taste, and when customers come to us to purchase large or small quantities, they very frequently ask to see the different styles and flavours we possess. That is as common as the purchase almost, except in the case of customers who have dealt with us for a considerable time, and then we know the quality they get; but as to all strangers who do not know the spirits, and customers who wish a change, we have to take them to the casks and show them the various kinds of spirits, to enable them to judge which they would prefer. It would be very unsuitable to have all these casks placed in the cellar, and to have to take the gentlemen down there. But there is an objection beyond that, and a very serious one. Although, individually, I am very well satisfied in regard to the cellarman and porter in my employment as to sobriety and good conduct, I do not know how I might always be; and, while I could trust generally the men in my employment as to wine or beer, I should not like to put the temptation in their way of having the spirit casks open to them. That would be a very strong objection which I would have as to putting the spirit casks in the cellar, that it might be a temptation to the cellarman or porter, whereas in the shop they are always under our own eye. There is another thing in the

working of the trade; in my own business we have very little to do in selling small quantities. Our business is chiefly in the larger quantities, from a gallon upwards, though we also sell single bottles. Then we have jars to fill from the casks, and I would not like to be obliged to say to the cellarman to fill that jar with the quantity of whisky ordered. I would prefer to see it done myself, or by those immediately under my own eye. Again, if I get an order for a gallon or two of whisky to be sent home in bottle, I measure it off, and fill it into the bottles, and it is well known that in three cases out of four there is a little more than the six bottles will contain. Now, if I were to have all my whisky bottled, I must sell it by the dozen; I could no longer sell it by the gallon. But I prefer sending a gallon or two gallons, according to the order. As to sealed bottles, I have so little to do with selling small quantities that I cannot answer for any of my brethren in that class of business who require to do so. I have almost no demand for that.

2445. *Sheriff Crichton*.—That would be no obstacle to your trade?—Not to my trade.

2446. You could very readily comply with any provision of that kind?—I am only speaking for the class of trade in which I am concerned.

2447. *Mr Ferguson*.—When you sell a gallon, or two gallons, and bottle it, do you seal the bottles?—We sometimes seal them, and sometimes we have stamped corks—stamped corks more frequently; and that is expressly for the purpose of saving the trouble of sealing each bottle, for quickness in conducting our business. There is a discrepancy in some of the evidence which I should be glad to explain. Mr Thomson from Galashiels, Mr Balfour from Jedburgh, and Mr Thorburn, of Edinburgh, gave a calculation as to the first cost of whisky, including the duty. They were all three different processes. I will take notice particularly of Mr Thorburn's, it being the lowest, and I have his authority to say that the calculation was upon the medium class of whisky. Mr Thomson, of Galashiels, founded his calculation entirely on the higher class, or dearer whisky; and Mr Thorburn gave it the proof gallon; Mr Thomson, of Galashiels, gave the full strength as it came out of bond.

2448. What is that full strength?—All whisky which we buy new from the distillery is sold by the distiller 11 over proof. When it lies in bond two or three or more years, it falls off to a certain extent in strength, according to the wetness or dryness of the bond; and suppose at the end of two or three years that whisky was removed from bond, it might be 5 or 6 over-proof, having lost the difference by age. Mr Thorburn calculated upon 10s. per gallon being the duty, but that is the duty at proof. If it was 5 per cent. over-proof it would cost 10s. 6d., or if it was more it would pay accordingly. That 6d. added to 1s., or 1s. 2d., or 1s. 3d., as the first cost, makes the difference between Mr Thorburn's statement of the cost and Mr Thomson's.

2449. *The Chairman*.—These statements are all incidental to a remark by Mr M'Laren, who assumed that good whisky could be sold at 2s. ?—Precisely.

2450. And that the profit was so large that they could afford to cheapen their groceries?—Yes. There is another thing which has been brought up several times, as to the supervision of grocers' shops by the police in the same way as publichouses. I have not had time to consult with the other members of the trade since that was brought out, but, speaking for myself individually, I object to that out-and-out. I am not afraid of their finding drinking on my premises, for that I have not had since the Forbes Mackenzie Act was passed; but it may not be known that all first-class wine merchants—Cockburn & Campbell, Bell, Rannie, & Co., Weir, Rolland, and others, all trade under a grocer's licence. Now, these gentlemen would be subjected to the same thing by the supervision of the police, and the police acting according to instructions, or as they thought proper, could step into the counting-room or tasting-room of these gentlemen, without leave asked or obtained, and see what was going on. We know that

when gentlemen buy wines from these houses they are invariably asked to taste and decide which they prefer. Now, any policeman going in there might find two or three glasses of wine or brandy, and he might say, 'I have found you in the very act.'

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*George
Murray,
and others.*
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2451. But they do not pay for them?—But it would lead to endless litigation. There is no doubt about the consumption; business could not be carried on without it; and the question would always arise whether it was being sold. If police supervision was made law, the grocer who wished to evade it would invariably say that he was not selling. It would subject us and others to an indignity; I consider it an indignity, and I know that these firms would consider it so, to be subjected to the surveillance of any policeman who chose to enter their counting-rooms or tasting-rooms. There also came out yesterday, incidentally, a fact that I am able to vouch for, as to silk mercers, and drapers, and others, treating. Mr Thomson said he had got that in the High Street. I have never got it, certainly, and never saw it; but I am prepared to state, by giving the firm and the street, that one of the largest firms of silk mercers in London have a room with communication from their shop, which is set out every day with a very handsome lunch for any of the ladies who may choose to call upon them and give orders. I don't know all the liquors there are, but they can get wine.

2452. *Mr Campbell Swinton*.—Do you mean that they get it gratuitously, or pay for it?—They get it gratuitously.

2453. Then there is nothing illegal in it?—They should be subjected to the supervision of the police too.

2454. Why?—It is very awkward for us to be put under it, while other people treating the public are not put under it.

2455. You have a licence for selling liquors, and they have not?—True.

2456. And, under your licence for selling liquors, you are prohibited from selling to be consumed on the premises?—But this is giving.

2457. But you are prohibited from giving too?—I do not understand that.

2458. Read your certificate?—I brought that point before the Royal Commission eighteen years ago, and my opinion then was that we could give for the purpose of tasting, without being held as legally guilty of an offence.

2459. Are you quite sure that "give" was in the certificate before the Royal Commission of 1862?—So far as I know,—I am not quite prepared to say, but I understand it was. Then the marking down of goods when whisky is sold has often been referred to. The same thing will be found noticed in the last paragraph of my evidence eighteen years ago. I hold to the evidence I gave then in every particular. I have seen no reason to change my opinion.

2460. *The Chairman*.—I suppose you know nothing about that, because it is not in your line of business?—But I have seen nothing of it since. In reference to what was said by Mr Thomson, regarding Mr M'Laren's allusion to the Home Drummond Act, I hold by Mr Thomson's evidence that the magistrates were not doing anything illegal by granting certificates to grocers after the passing of the Home Drummond Act, because the combination of grocer and spirit dealer and other trades was in operation long before the Home Drummond Act came into existence, and that Act did not abolish the privileges which then existed. Therefore, there could not be anything illegal in it.

2461. *Mr Campbell Swinton*.—Before the passing of the Forbes-Mackenzie Act, grocers and public-houses had the same certificate?—But Mr M'Laren made it out that after the passing of the Home Drummond Act, they were not allowed to give it to those who sold groceries. There is another thing which I wish to refer to. A statement was made on Monday by a witness here which took me by surprise, and caused me to look into the matter. The evidence given was that in 1863 the consumption of spirits in Scotland was a gallon and a half per head of the population; and in 1876 2½ gallons. I do not mean to question the accuracy of

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2462. *The Chairman.*—Have you any idea as to the number of the grocers' licences that have been given by the Excise in England?—No, but I understand that they were very few comparatively.

2463. *Mr Campbell Swinton.*—It is only in recent years that they have been given?—I understand so. I would next refer to a very striking thing—the marked difference in some years as to the duty paid on spirits, and the consumption; and it is a matter which I cannot myself account for. In 1859-60, in England, all kinds of spirits amounted to 15½ millions of gallons; and in 1862-63 it was only 13 millions of gallons. Now, a number of the witnesses who have been here say distinctly that there is a very large increase of drunkenness in Scotland. I do not believe that myself, and I have something to prove that that is not the case. The consumption of spirits in Scotland, in 1850, was 2.55, or a mere fraction more than 2½ gallons per head of the population; and in 1851 it was almost exactly the same, 2.56.

2464. *Mr Ferguson.*—What are you comparing that with?—2.32 is the amount according to the last return—1876.

2465. *Mr Campbell Swinton.*—In proportion to the population?—Yes; these are taken from the Revenue returns. Now, there are one or two reasons I could give which may account partly for the increase in the consumption of spirits. I believe that a considerable portion of it, or nearly all of it, has arisen from the greatly increased wages of workmen, and incomes of the middle classes. I made inquiry this morning at a firm who employ a very large number of men, to ascertain the wages in 1863, as compared with the present wages, and I found, according to the class of workmen and the kind of work, that it amounted to 45, 55, and, in regard to one kind of workmen, 65 per cent. of increase of wages now, as compared with what was paid in 1863.

2466. *Mr Ferguson.*—Can you give us the consumption in 1870, or 1871, or 1872?—In 1871 it was 1.925 in Scotland.

2467. Your previous figures for 1850 and 1851 were in Scotland also?—Yes.

2468. Then 1872?—I took them in periods of five years—1866, 1871, and 1876.

2469. Give us 1866.—1.842.

2470. *Mr Campbell Swinton.*—These returns don't absolutely prove the consumption per head. A great deal of it may have been sent out of the country?—I am not able to speak to that. At one time we could "permit" spirits from Scotland into England without its being taken notice of by the Excise, but I have been told that now when permits are sent with spirits to families in England, they are deducted from the consumption in Scotland.

2471. *Mr Ferguson.*—We got in evidence to-day that dealers send a large quantity to England, and that that is all credited to consumption in Scotland?—I am quite aware that the first part of that statement is

correct. It is a large and growing trade. I presume it is owing to the kind of spirits that we are able to send compared with what they can get in England.

2472. *Sheriff Crichton.*—You don't require a certificate when you trade under a wholesale licence?—No, we don't require a certificate, but we require a separate licence from the retail licence.

2473. And what is the quantity you sell under that licence?—Wholesale, from two gallons upwards.

2474. You cannot sell less than two gallons?—No, and we require to send a certificate or permit with the quantities we send out.

2475. There is no supervision by the magistrates of persons holding that licence?—No.

2476. If you want to sell retail, you must take a licence with the certificate from the magistrates?—Yes.

2477. And the large wine merchants must take a certificate from the magistrates when they want to sell in small quantities, in the same way as the grocer does?—Yes.

2478. The value of the licence varies according to the rent of the premises?—Yes, the value of the retail licence varies. The wholesale licence is the same everywhere,—ten guineas. There is another thing that has been very frequently spoken of before the Commission, and that is as to the division of the business into two shops. We are quite opposed to that, of course. We don't believe it would make any difference in regard to the consumption, or the facility of getting spirits, but it would entail upon each person who wished to retain the licence in one shop, and to have the grocery trade going on as well, two rents and two sets of expenses instead of one. It has frequently been represented by the unlicensed grocers that they are overweighed by the licensed grocers. It is the same in every business. If a man has capital, ability, and enterprise, he will go into more businesses than one if he sees his way to do so. Our senior member conducts five or six businesses in the same premises at this very moment. I remember him quite well when he was simply a draper in the High Street, and now he is a silk mercer, a milliner, a dressmaker, a clothier, an upholsterer, etc. Now, I don't object to that. He has perfect liberty to do it, but I don't see why, when a grocer has the skill, ability, and capital to go into two trades, or three, he should object to them making a larger living by a combination of these.

2479. *The Chairman.*—As matter of fact have most of the large grocers in Edinburgh a spirit licence?—I think so, with the exception of three or four. Melrose & Co. do a large wholesale trade; W. & G. Law also do a large wholesale trade besides their retail business. Then there are the Gibsons in Princes Street, who style themselves grocers now, but when they began business their style was bacon, cheese, and buttermen. They have added groceries I suppose as their capital and opportunities increased.

2480. *Sheriff Crichton.*—What do you say as to the suggestion that nobody should get a licence who has not served an apprenticeship to the trade of grocer?—I quite agree in that.

2481. You approve of that?—Most thoroughly. There is one thing which a few in our trade feel very much, though I don't mind it myself,—that we have to send a humble petition to the magistrates every year to get a renewal of the certificate, and in the schedule which we get to fill up, we are required to fill up answers to certain queries, one of which is, have you served a regular apprenticeship to the trade? I don't know how the certificates are granted when that is one of the queries in the schedule; but I have filled up the answer to that query for 39 consecutive years. Now, I don't see why I should be required to do it so often. I think one certificate ought to be the same as the wholesale licence till there is an infringement of any Act, and then I have no sympathy with those who do infringe it. A penalty might do for the first offence, and then the certificate should be withdrawn.

2482. *Mr Campbell Swinton.*—You don't seriously put it as a great grievance, that you have to take out a

certificate every year? A man who takes out a game licence has to take it every year. You don't seriously state that as a great hardship?—I did not mention it so much on my own account as on account of other members of the trade. Then as to the separation of businesses. I find that Mr James Houghton of Dublin, when examined by the Select Committee on Public-houses in England in 1853, stated that 'the giving of licenses to grocers is a thing which requires particular attention. In fact, it was attended with so much evil, that at one time the grocers in Ireland were prohibited altogether from selling spirits; but they managed to sell them by taking a house next door, or dividing their premises, and having a party selling who was not the ostensible owner of the grocer's establishment. I rather think that law was relaxed or altered some years ago, and now they are allowed to sell, but prohibited from allowing it to be drunk on the premises.' And the former Scotch Commission on this subject, after quoting that passage, stated in their report, 'Considerations of this kind led to the prohibition under which, by the existing law of Scotland, grocers lie against selling spirits to be drunk on the premises.' We perfectly agree to that. We are in the same position now; and I have that much faith in the wisdom, justice, and equity of the Commission and the legislature, that I hope the Commission will not give a recommendation, nor the legislature pass a law that will shortly afterwards be repealed, as was the case in Ireland, referred to above. A question has been raised about rents. I am not very well able to judge of that from the position I am in. I am not in the habit of visiting the smaller shops, or seeing them at all. I shut at seven o'clock in the evening. But the answer I would give to the question will be found in the recommendations of the former Commission.

2483. *Sheriff Crichton*.—One witness suggested that no grocer's shop should be licensed unless it contains a certain cubic space. Have you considered the question with that view?—That would be a somewhat difficult matter. In reading the newspaper this morning I came across a letter by Messrs Pairman, the employers of a gentleman who gave evidence here a few days ago, and I will leave the Commission to judge of that letter, but it was the cause of our ascertaining one or two particulars about that gentleman and his evidence, and I have this information from Blackford, Perthshire—'There are no licensed grocers here, nor has there been one for twenty years.' But that gentleman gave evidence that he had made calls there, and found evasions of the Act. From Dunning, in the immediate neighbourhood, I have this—'No grocers in Dunning licensed to sell spirits during the last ten years.'

2484. *Mr Campbell Swinton*.—Have you really any personal knowledge of what may be called the smaller or lower class of grocers in the Cowgate or West Port?—No.

2485. You know nothing about them?—Nothing. I am never in these neighbourhoods. I don't go as Mr Salmond went.

2486. When you express your very strong objection to police supervision, I suppose you don't express any opinion whether that class of grocers would be the better of police supervision?—I think the power already given in the Act is quite sufficient, that the police are entitled to enter wherever they have suspicion. A suggestion has been put into my hand which I quite concur with, and I would bring it before the Commission. While the licensed grocers, it is said, cut fine some articles, the unlicensed grocers cannot afford to do it at the same price; that is not because they wish to undersell, but rather because they make that specific article the subject of their particular attention. That is quite a common thing.

2487. *The Chairman*.—That is what Mr Brooke told us, that a licensed grocer might sell some particular article cheap because he made it his special subject?—And for the purpose of drawing customers to the shop who might purchase other articles besides. That is quite

common in all trades. Both licensed and unlicensed EPINBURGH. trades do the same thing.

2488. Have you finished what you propose to say?—Yes.

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and others.

2489. What do you think of an obligation to sell in sealed bottles in order to avoid the irregularities that are said to take place in the smaller houses?—Those engaged in that class of trade are better able to give an opinion upon that than I am, but my own idea is that it would lead to an offput of time and labour where there is a great deal of small trade to do.

2490. *Mr Campbell Swinton*.—The sealing would, but you sell always in bottles so corked that the cork could not be got out without a screw?—Yes. If it was made obligatory on them to sell in sealed bottles, they would require to have some kind of machinery set up for the purpose, such as a jet constantly burning on the counter, as a druggist has.

2491. *The Chairman*.—The idea I take to be that the whisky should be kept in the shop bottled and sealed?—That is quite impossible. There is no one who knows the regular conduct and working of a respectable business but would give the same evidence that I have given as to that.

2492. Mr Dickson, I understand you have been in business since 1854?—*Mr Dickson*.—Yes.

2493. Where you are now; and previously you were in the Cowgate for three years?—Yes.

2494. You are now at 175 High Street?—Yes.

2495. Do you generally concur in what has been said by Mr Murray?—I do.

2496. I understand you further deprecate the hindrance to the licensed grocer's business on the ground that females and children would be compelled to go to the publichouse?—Yes, that would be the case.

2497. But, of course it is said on the other side, that a great many of them would not go to the publichouse?—I think they would all go. I think in the High Street and these localities, they would all go to the publichouse.

2498. I am told you are aware that grocers sell better liquor than publicans?—I believe so.

2499. But publicans might deny that?—They might, but it could easily be proved.

2500. But you believe it?—I believe it.

2501. Having done business in rather a poor part of the town, can you say whether people often wish to consume the liquor on the premises?—Very seldom. I have been asked for it now and again, but mostly by country people or excursionists coming into town.

2502. *Mr Campbell Swinton*.—Was that when you were in the Cowgate?—Yes, but it was before the passing of the Forbes Mackenzie Act.

2503. *The Chairman*.—You have no great trade with the poorer classes?—No.

2504. It is with the better class?—Yes.

2505. *Mr Campbell Swinton*.—When in the Cowgate did people send to you for drink in tea-cups?—No.

2506. *The Chairman*.—Is there anything you desire to add to what Mr Murray has said?—No, further than that the unlicensed grocers say they are overweighed by the licensed grocers. I may mention that the businesses referred to by Mr Murray are about the largest in town, and they are not overweighed.

2507. But they are specially great houses I suppose, and the large class of their customers probably buy their wine and spirits in Leith?—I don't think it. I know people who go from our locality to those shops to buy dry goods because they believe them to be better.

2508. But Melrose's specialty I understand is tea, and Law's is coffee, and Gibsons' is cheese and ham?—All these are opened to the unlicensed men if they like to take them up, and the public prefer to go there for them.

2509. That is because they have a character for them?—Yes.

2510. Mr Christie, you have I suppose a large working class connection?—*Mr Christie*.—Yes, we have.

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2511. Is it the necessity or the habit of many of your customers of that class to buy a supply of liquor on Saturday evenings?—Yes, I should say two-thirds of our customers buy everything in the way of groceries from us, as well as spirits.

2512. You consider that your means of supplying them meets a demand?—It is actually what is required in the locality.

2513. You require to keep open late on Saturday evenings?—We do. We close about five minutes to 11 on Saturday. During the week we close a little after 8.

2514. *Mr Campbell Swinton*.—Then it would not suit you to be compelled to close at 8?—I am quite willing to close at 8 during the week, and at 10 on Saturday. That would meet the requirements of even the largest retail trade.

2515. *The Chairman*.—Do you mean provided the publicans closed too?—I think even independently of the publicans. Speaking for myself and the large body of the retail grocers in the old town, we would be quite willing to close at these hours quite independent of the publicans. Of course, they would consider it a hardship to a certain extent if the publican's hours were not curtailed, but independently we would be quite willing to take these hours.

2516. *Mr Campbell Swinton*.—Would you have any objection not to be allowed greater license than the publicans in the morning? Would you object not to be allowed to open at all for the sale of provisions earlier than the publicans in the morning?—I would suggest that no grocer should be allowed to open before 8 o'clock.

2517. For the sale of anything?—For the sale of anything.

2518. *The Chairman*.—You have spent a large sum of money in repairing your premises?—I have; they are very large premises.

2519. That was with the view of carrying on the joint trade?—Yes.

2520. The fittings [would not suit for a separate trade?—No; my premises have been largely extended for the purpose of doing a very large retail trade, and I have the wine and spirit department by itself, and the groceries also.

2521. You have never yourself seen drinking in the shops in town?—No, I have not. I believe in some of the very small shops in Cowgate and West Port there may be, but I don't think there is any in High Street or Canongate. There may be in small houses, but no respectable grocer would allow it.

2522. You have always insisted on sending out your spirits in corked bottles?—Yes. My rule for many years has been that there shall be no such thing as an open vessel for carrying away spirits,—no teacup or any open vessel of any kind except for malt liquors.

2523. *Mr Campbell Swinton*.—Do you think it would be an improvement if all the trade were obliged to adopt that rule?—I think so. I think sealing would be a great hardship, and that corking would be quite sufficient. A corked bottle would be quite sufficient.

2524. If corked could be so interpreted as to mean effectively corked?—Yes.

2525. *The Chairman*.—It is represented to us that if a bottle is brought in to be filled in small shops, there is no security against drinking in the shop?—I don't think there is the least danger of that. My young men, when they are presented with a gill bottle, always put in the cork firmly.

2526. We are not speaking of your shop?—But in the trade generally, if they are presented with a bottle to fill, it is generally corked so that no person could interfere with it on the premises.

2527. *Mr Campbell Swinton*.—But suppose we have evidence that they do it constantly?—It may be, but I have not seen it. *Mr Murray*.—The branding of the cork would obviate that. No one could put a screw through that without its being seen. We have them branded at this moment. *Mr Christie*.—The same

difficulty might occur with a sealed cork. It might be put in loosely, but there would be great difficulty in a large trade in continually sealing the corks. *Mr Murray*.—In regard to the closing, the Association called a meeting of the trade some eighteen months ago, which was very largely attended. Rarely can we get so large a meeting of the trade as that was. The very large hall of the Southern Institute was filled, and it was unanimously agreed that if Parliament would make the hours of opening 8 in the morning, and of closing 8 in the evening, that would be satisfactory.

2528. You would not even insist on being open later on Saturday evening?—Ten o'clock was mentioned for the Saturday.

2529. For the Saturday alone?—Yes. *Mr Christie*.—That was what our Association went for,—8 o'clock in the morning and 8 at night during the week, and on Saturday at 10 o'clock at night, to meet the requirements of parties coming from the country.

2530. Is that not rather from a supposition that wages are paid on Saturday?—Wages are paid on Friday now, I believe. Some large works pay in the beginning of the week now.

2531. Then why should people send for their provisions so much later on Saturday?—We have customers from the suburbs,—from Portobello, Musselburgh, and Ratho, and they come in very late by train after their work is over, and I think it is therefore necessary to keep later open on Saturday night.

2532. Why do they come later on Saturday than other nights, if that is not the day they get their wages?—They certainly have the habit of coming late; but they are coming all day from 8 o'clock in the morning.

2533. But has the habit of coming later on Saturday than other nights not been originally derived from the fact that wages used to be paid on Saturday?—It may be so. That was one of the principal reasons.

2534. And they have got into the habit of it?—On Fridays we are quite as busy in our retail trade as on Saturday.

2535. And still you wish to shut at 8?—But the country people come in on Saturday very late.

2536. *Mr Ferguson*.—If it was made compulsory to shut at 8 o'clock even on Saturday, would they not get into the habit of coming earlier?—I don't think we could do our business by that time. *Mr Murray*.—Besides, the payment of wages on Friday is not at all universal. *Mr Christie*.—Many men in the town, such as cabmen and persons in similar businesses, are paid late on Saturday afternoon.

2537. *The Chairman*.—Do you give credit to working men?—No. I do nothing in pass-books. The only pass-books I have are among our better class customers.

2538. Do you think there is an increase in the consumption of beer as compared with spirits?—I think there is, of late years.

2539. *Mr Campbell Swinton*.—And of light wines?—Of light wines also.

2540. *The Chairman*.—Do you sell a good deal of wine?—No, that does not lie so much in my way. In my locality I do not sell so much wine as spirits.

2541. Have you anything else to state?—I quite concur with Mr Murray's statement; but in regard to the small quantities, I would be quite willing to accept a gill.

2542. *Mr Ferguson*.—You would object to the pint?—I would. I think it would be a great hardship to the working-classes if they were compelled to buy even a pint bottle. I would be quite willing to take the gill bottle, and to have it properly corked; and I think the general wish of those selling large quantities of spirits in that way along with myself is to adopt the gill in a properly corked bottle.

2543. *Mr Campbell Swinton*.—Would you be as indignant as Mr Murray has expressed himself, at the police having a more general supervision than they have now?—I don't care about that. They have supervision, and they may come in now.

2544. *The Chairman*.—Do you travel in the country?—Yes, we do.

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2545. Have you observed any irregularities in your visits?—Rarely,—very rarely indeed among my customers. I only go out occasionally myself.

2546. You cannot speak generally?—No, I go so little out myself.

2547. *Mr Campbell Swinton.*—By irregularities you mean selling to be consumed on the premises?—Yes.

2548. In country places?—Yes. I have seen it done, but not to the extent that the country people get the credit of.

2549. *The Chairman.*—Mr Wise, you have two places of business?—*Mr Wise.*—Yes.

2550. They are in Antigua Street, and in Leven Street?—Yes.

2551. Your customers are also of the better class?—Similar to Mr Murray's.

2552. Have you anything to say in addition to what the other gentlemen have said?—No, I concur generally with what Mr Murray has said. I do not see the necessity of having a pint bottle stated as the minimum quantity; I think there is no reason for changing the law as it stands just now.

2553. *Mr Campbell Swinton.*—Suppose it were a gill bottle?—I have no objection to that.

2554. But you are not applied to, to sell in pint vessels?—No.

2555. *The Chairman.*—Mr Christie, I have been asked to put a question to you. Have you a side door through which those who come for small quantities enter?—*Mr Christie.*—We have two side doors for our goods entrance merely, but they are not used for the public at all; the public come in at the front door, and my place is perfectly open; there is as much light in my spirit department as there is in this room. These side doors have been used specially for taking in goods. *Mr Wise.*—I wish to make a few remarks. I have prepared a statement bearing more on the general question than on the trade question. I grant that Bailie Lewis was quite correct in his figures, but he chose the year 1855, which shows the lowest consumpt; but 1855 was a most exceptional year. In the first place, it was the year immediately succeeding the introduction of the Forbes M'Kenzie Act, and that, to some extent, must have affected the consumpt of spirits; but what I trace the small consumpt in that year to is, that it was the first year that the spirit duties were begun to be raised, in order to equalise the duty with that of England. In 1855, the duty was raised from 3s. 4d. to 7s. 10d., more than double. I think it is very easy to account for the decrease in the consumpt when you make the duty double. When I came to the trade first, a bottle of the best whisky was sold at 1s. 8d., and it is now 3s. Mr Lewis quoted 1855, but I think he might have gone a little further back. In 1852, the total consumpt was 7,172,015 gallons, or 2·48 per head. We find it decreasing from 1854 for 10 years; and the next 10 years we find it increasing. The decrease in consumpt in the years following 1854 is due to the restrictive effects of a constantly increasing duty, which in 1861 reached 10s. per gallon, at which it now stands. After that, the question was settled; and it is after that that it happens to increase. This can easily be traced to the prosperity of the working classes and the large wages. Mr Lewis forgot to add the foreign spirit, but he brought out the same result, for the consumpt for 1876 was 8,202,745 gallons, or 2·32 per head, being less than in 1852.

2556. *Mr Ferguson.*—What was it in 1861?—I have not got it here, but I can furnish that. There was another source of supply also which has been quite overlooked. I refer to illicit distillation. I have here an Excise return from 1830 to 1852, showing the number of persons prosecuted for offences in Scotland against the laws for the suppression of illicit distillation; and I find that in 1835 there were as many as 764 detections for illicit distillation in Scotland. The number gradually decreases till, in 1852, it is only 124; and last year it was 2, and the year before 7. The following is the table:—

Years.	Detections.	Persons Prosecuted.	Persons Convicted.	Persons Confined.
1830	392	231	210	15
1831	282	185	144	27
1832	296	207	163	49
1833	711	567	411	69
1834	692	563	359	71
1835	764	451	396	91
1836	453	368	300	43
1837	424	317	245	45
1838	412	266	144	35
1839	238	137	109	24
1840	244	134	103	23
1841	252	116	102	27
1842	264	123	105	10
1843	236	97	73	31
1844	177	43	32	19
1845	148	44	26	12
1846	95	29	28	6
1847	64	15	9	3
1848	69	23	20	9
1849	103	32	22	10
1850	142	47	40	21
1851	89	34	22	12
1852	124	40	32	9

2557. *The Chairman.*—Illicit distillation is now almost extinct?—Almost extinct. It was formerly a great source of supply. I wish to call the attention of the Commissioners also to some articles of import sold by grocers, and to show the immensely increased consumption of them.

2558. What is your deduction from these facts?—I want to show that while we have not increased our drinking propensities, we have been living more generously. You will observe that the enormous increase in the consumption of tea took place after the reduction of the duty to 6d. The following is the table:—

	1852.	Per Head. pounds.	1875.	Per Head. pounds.
Butter, per cwt.	344,185	1·4	1,467,870	4·92
Cheese, " "	336,160	1·36	1,542,821	5·46
Cocoa, " lb.	3,024,338	0·1	9,957,610	0·30
Coffee, " "	32,564,164	1·16	32,048,016	0·98
Currants & raisins, per cwt.	663,557	2·67	1,254,170	4·29
Rice, " "	399,170	1·6	3,389,286	11·68
Sugar, " "	6,594,308	26·7	18,237,723	62·85
Tea, " lb.	53,965,112	2·	145,327·432	4·44

and in 1876 the consumption of tea was 185,536,371, or 5·6 pounds per head. Of late years no separate account has been taken by the Board of Trade of spices, but since the abolition of the duty, the consumpt has in many cases trebled in quantity. The returns of the savings bank also shew conclusively that the people, while spending more money on these articles within the last 4 years, have laid by immensely larger sums. In the National Security Savings Bank, Edinburgh, the deposits have increased from £321,160 in 1873 to £380,296 in 1876. In Glasgow last year a sum of £1,073,000 was paid into the savings bank. There has been also an immense increase in the Post Office Savings Bank, the sum last year being £8,982,350. There are likewise investment companies and building societies, which are very numerous in Edinburgh; and there are other things which I could quote, showing that the working classes are immensely more frugal, or at least more careful than they used to be. They are living more generously, but I distinctly deny that drinking has increased. We also see plainly that they are eating more generously, which I think is a very good feature. I have paid a good deal of attention to

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the doings in the licensing court within the last few years, and I have observed the effects; and I really think the magistrates are not the proper parties to have the licensing in their hands, they are so accessible to private influence. I would not like to urge the changing of the court, as I see the Commissioners in 1859 had that matter under their consideration, and they thought that the magistrates, knowing the wants of the district, were the proper parties to intrust with the licensing; but we see so many of their erratic performances in Edinburgh; and I think that some of our magistrates go upon the supposition that they are not getting enough of honour paid to them unless they are canvassed for their vote, which is a very bad system.

2559. *Mr Campbell Swinton*.—There is a material difference made in that by the Cameron Act, is there not?—Not in the first court.

2560. The canvassing of the magistrates is as frequently to grant as to refuse a licence, is it not?—But I quite disapprove of canvassing. I will state one thing which happened recently. A person was granted his licence unanimously by the magistrates; then it came before the confirming committee, and one of the committee asked how long this person had been in the trade, and he got the reply that he had been two months in the trade. This Justice said that he considered it degrading to the grocer trade to think that a man could acquire a knowledge of it in two months, and he moved that the licence be not granted.

2561. That was consistent with Mr Murray's view that the licence should only be granted to a man who has been educated in the trade?—But I began to make inquiry in the matter, and found that the magistrates had an interest in the man. He was an old gardener in Princes Street Gardens, and had been superseded in his situation, and the magistrates, I suppose, thought they were entitled to make their old gardener a grocer. Now, what I would draw from this habit of the magistrates is, that it has been productive of a great deal of harm in the grocery trade. It has introduced a class of people that should never have been in the trade, and I think it would be well if you amended that clause making it compulsory that a man should have served his time, and not only so, but that he should be recommended by his employers as thoroughly competent to carry on the trade.

2562. *The Chairman*.—In fact, that a man should not sell spirits under cover of being a grocer?—He should have served a proper apprenticeship; it requires a man with all his senses about him to carry on the trade.

2563. *Mr Campbell Swinton*.—I suppose there is a regular apprenticeship in your trade?—Yes.

2564. How many years?—Four years.

2565. *The Chairman*.—Is that all you have to say?—I think that is all I have to notice. I would call attention to the fact that Mr James Cowan, in March 1876, presented a petition from upwards of 16,000 individuals in this town and Leith, calling attention to the hardship they would be put under by being deprived of the privilege of buying small quantities of liquor at grocers' shops. That was a *bona fide* expression of the opinion of the public.

2566. Mr Calder, you have been for many years a licensed grocer at Portobello, and have a general trade?—*Mr Calder*.—I have been over 43 years in the trade. I have held a retail licence for that period, and have carried on the trade of grocer and wine and spirit merchant together for that period.

2567. In the interest of the trade, and also of the public you object to the proposal to separate the trades?—Decidedly so. I would deprecate very much the separation of the trades. I believe I speak for the majority of the grocers of Scotland when I say that when the Forbes M'Kenzie Act was passed we hailed it with unmingled delight. We thought it of very great importance.

2568. You have never yourself had any difficulty in refusing to allow liquor to be drunk on the premises?—Never. I may mention that I have had a great deal of traffic with tradesmen's wives with pass-books in Portobello, but I never, in my whole recollection, found that

a single woman asked me to give her spirits and mark it down as groceries.

2569. *Mr Campbell Swinton*.—I suppose that if you had any such customers, they knew quite well you would not do it?—Quite so; and as to giving a servant girl a glass of cold whisky, in my opinion it would be the most absurd thing in the world, for I believe she would be insulted by it. I cannot imagine for a moment how it would be offered to any person.

2570. Do you agree generally with what has been said by those gentlemen from Edinburgh?—Yes, but there are one or two points to which I wish to call attention. We have 19 grocers in Portobello, along with myself, and I believe we all cordially approve of the hours being shortened to from 8 in the morning till 8 at night, and on Saturday 10 o'clock. The large majority of grocers shut at 8 just now. In summer, we shut at 9, because, Portobello being a watering place, a good many strangers come about us. But it would be of great importance to have the hours shortened. I do not see why publichouses should have longer hours than we have. The consequence of their having longer hours is, that whenever we shut our shops the publichouses begin to do a large business, because the people cannot get into our shops. I think every man ought to be in his house at 8 o'clock at night. It is not desirable for a married man or any other man to sit in a publichouse till 10 or 11 o'clock.

2571. *The Chairman*.—Would you not be content to shut at 8 if the publichouses were open till 11?—We do it ourselves at present; and at Dalkeith they shut at 7 o'clock. It has been stated repeatedly that the licensed grocers have enormous profits on spirits. That is not the case. Parties here the other day spoke of 16s. 6d. and 16s. 10d. a gallon for old whisky. I keep very old whisky—3, or 4, or 5 years old,—Highland whisky—costing 3s. 6d. a gallon short price. Now if that is kept for 3 or 4 years, you will find that the least it costs me is 16s. per gallon. I sell it at 18s.—That is only 1s 6d. a gallon of profit, or not more than 7 per cent. I believe that the smaller publichouses use new-made spirits direct from the distillery. Some publichouses do keep old whisky, but generally they do not. They sell young whisky, and it can stand a great deal of water, and they make a good deal of profit out of it. But the profits of licensed grocers in Scotland are exceedingly small. I know a licensed grocer who only sells about two hogsheads of whisky in the year, and the profit is not much more than the cost of his licence. I was surprised at Mr Linton saying that he did not see why grocers should be entitled to sell any more than any other merchant. I think it would be a very anomalous thing to see a draper or a shoemaker selling whisky; but, from time immemorial, the two trades have been connected with the grocer. From my earliest years, grocers have been in the habit of selling spirits along with groceries. They are the only trade that ought to sell liquors, because they deal in every eatable commodity. I sell from a bottle of champagne to a bottle of small beer, and from a pound of tea to a halfpenny worth of sticks or whitning,—everything that a family requires. It would be most inconvenient to the public at large if the trades were separated; and if people had to come to me for their groceries, and go to a publichouse for their spirituous liquors,—in fact, they would not do it. I have a number of customers from England who come to Portobello for a few months in the year. Now, if one of these gentlemen comes and gives me an order for grocery goods, and then says he wants some Bass' ale, or spirits, I would have to say that I could not sell it, and that he must go to the publichouse for it; but such gentlemen would say that they would not go there, or condescend to send their servant there.

2572. How is it thought to be such a very disgraceful thing to go into a hotel or publichouse to buy what whisky you require?—We have no hotels at all in Portobello.

2573. Why should it be a greater disgrace to buy whisky at a publichouse than at a grocer's?—In the publichouse there may be five or six, or ten or twelve

men drinking and smoking, and it is not a good example for a young girl, or a young man, or a wife, to come and order things at such a place.

2574. In publichouses in England there is always a door called the bottle and jug door?—I know nothing about that.

2575. That is never the case in Scotland?—No.

2576. *Mr Campbell Swinton*.—If the grocer did not sell whisky, that would soon become the case?—I would deprecate very much the separation of the trades. It would be a great evil to Scotland. The Forbes Mackenzie Act wrought exceedingly well. In Portobello there has not been a conviction of grocers for ten years, nor a complaint against one of them. There is never an individual seen drinking in the grocer's. This famous man, Mr Salmond, never appeared in Portobello at all, for he was told they were all decent men there. There is no complaint whatever by the police against any one of us. We have wholesale merchants calling on us every week with samples. Now, it is a natural thing to put the samples on the counter, and we have to taste them. If any one came in, he would not know that they were samples. No gentleman will buy a gallon of whisky without tasting it, and that might be set down as drinking on the premises. I believe there are some hundreds of such cases. We cannot carry on our trade without allowing customers to taste what they are to buy.

2577. *The Chairman*.—Is that all you have to state?—I do not think there is anything else.

2578. *Mr Thomson*, have you anything to add?—*Mr Thomson*.—I took a note of the quantity of spirits sold in my places of business for one month, and I was surprised at the result. The proportion sold in half gills at my shop in Morningside was 3 per cent., in gills 12 per cent., in 2 gills 6·9 per cent.—making 21·9 per cent. of the whole sales in quantities of 2 gills and under, in pint bottles 21 per cent., and in larger quantities 57·1 per cent. In my place of business in St Andrew Street, Edinburgh, the proportion sold in half gills was 2·3 per cent., in gills 13·3 per cent., in 2 gills 3·2 per cent.—in all 18·8 per cent. in 2 gills and under; in pint bottles 8·7 per cent.—making in all 27·5 per cent. in quantities of a pint and under; in larger quantities 72·5 per cent. Then the number of sales in quantities of a pint and under—at Morningside 21·75 per cent. of the transactions, and in 1 gill 40 per cent., in 2 gills 11·75 per cent., and in pint bottles 26·5 per cent. In St Andrew Street, in half gills 20 per cent., 1 gill 28·7 per cent., in 2 gills 7 per cent., in pint bottles 14·3 per cent.—showing that there is a large sale, even in these localities, of small quantities. There are a good many offices in St Andrew Square—insurance and banking offices, and it is mostly in the forenoon that these transactions take place.

2579. About the luncheon hour?—Yes, I am not so much at Morningside, and cannot specify exactly the time it is sold there.

2580. *Mr Campbell Swinton*.—Is there really a good deal of dram drinking in the forenoon among the clerks in the offices in St Andrew Square?—I do not say it is the clerks in the offices, but it is sold there, and I can only account for it in that way, I include in that foreign spirits as well—brandy, gin, &c.

2581. *The Chairman*.—Then you say there is a large legitimate trade in small quantities?—Yes, that is what I mean.

2582. Did you hear all that Mr Murray said?—I did not hear the beginning of it, but I know pretty well what he said. As to the hour of closing, I think that instead of Parliament fixing the hour of closing, it should be left optional with the magistrates to fix the hours. They could then adjust them to the wants of the different districts of the country or city.

2583. Would you fix an hour beyond which you should not go?—Clearly; and as to the certificates—for a first, second, or third conviction of any infraction of the certificate, I would not leave it optional to the magistrates to forfeit the licence; I would make it illegal to hold the licence after the first, second, or third conviction.

2584. *Mr Campbell Swinton*.—After even the first?—I would have no objection to that, but some might think it too severe.

2585. You would make it to be forfeited after a second conviction?—Yes.

2586. *The Chairman*.—Are these gills sent out in small bottles?—All in small bottles. Many persons bring the bottles or flasks with them. We do a good deal in flasks, being near the Railway Station. I may mention that I served my apprenticeship with an old wine merchant, before the introduction of the Forbes Mackenzie Act, and we regularly sold tea, and sugar, and coffee. I served my apprenticeship with Sir William Fettes's successor, John Hill. He was a partner of Sir William Fettes at one time; and there was an old advertisement kept in the place for many years by Sir William Fettes's mother—'Fettes' tea shop, opposite the Fountain well'—showing that the trade was at least a century old.

2587. Have you anything further to add?—I do not think so.

2588. *Mr Campbell Swinton*.—In order to prevent contravention of the Act among the lower classes of the trade, do you think it would be an improvement that the police should have a little more supervision than they have now?—I would not object very much to that.

Adjourned.

(See App. D, p. 494.)

EDINBURGH, THURSDAY, 11TH OCTOBER 1877.

Present :—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff Crichton.

Mr FERGUSSON.

Sir JAMES FERGUSSON IN THE CHAIR.

60. Dr JAMES MORRIS, examined.

2589. *The Chairman*.—You are a medical man at Dunfermline?—Yes.

2590. In your capacity as medical officer of health in Dunfermline, you have had occasion to pay attention to the effects of intemperance on the habits of the people?—Yes.

2591. I understand that you have a statement to

make to us?—I have been medical officer of health and police surgeon in Dunfermline for the last twenty years. I have also been parochial surgeon for the last twelve years; and I have paid a great deal of attention necessarily to the effects of intemperance on the health and habits of the people; and so far as my experience goes generally, I think that intemperance has been rather diminishing of late years, but I am very much of opinion that a still further diminution is required in

EDINBURGH.

—
George
Murray,
and others.

EDINBURGH.

—
*Dr James
Morris.*
—

every way. From the nature of my engagements I have to mix with all classes of people—much more with the working classes—at all times and hours, both by night and by day; and I have conversed frequently both with the working classes and with those in a better position in life as to grocers' licences being the cause of drunkenness; and so far as my experience goes, and my opinion, I am quite satisfied that they are not the cause of intemperance. I have abundant means of knowing as to private drinking, whether in moderation or excess, and I do not think it has increased; but I am quite satisfied that the grocer's licence is not the cause of the amount that still exists. So far as my experience goes, intemperance among females is amongst the lowest grade and those of the most destitute character. There is a certain class of women who are a little superior to that grade, such as washer-women and Saturday scrubbing women, and such like,—they are addicted to intemperance more or less at certain stated periods, generally on the Saturday and sometimes on the Sunday. But amongst the higher class of females it is a very exceptional thing to have a woman who is guilty of intemperance. My professional experience and position, as well as the experience of my professional brethren in our locality, enable us to know every one of them. In regard to stimulants, especially alcohol, being used as a medicine, and prescribed by medical men, I think generally it is not required at all. We can almost do without it, and the assertion made by certain parties that medical men, in prescribing stimulants, have made many of their patients drunkards, is quite in opposition to all my experience, and to that of my professional brethren with whom I have come in contact. When they are required as stimulants it is generally in the last stage of a disease, and not at the beginning,—that is the time medical men prescribe them with benefit; but I am sorry to say it is too popular a remedy, and people generally trust to wine, or other stimulants, either for themselves or for their children at the beginning of disease, when it is injurious instead of beneficial, and the habit once contracted, either man or woman, they have a very great deal of difficulty in giving it up. Most cases of notorious drunkards that have been cured have been so by medical men, being put under restraint and subjected to treatment. If wine, brandy, gin, or any other stimulant is required by me or by any one of my colleagues, we universally prefer to send for it to the grocer's shop, principally because the families have other connections with the grocer's shop, and because the men occupy a much superior position as tradesmen, and because in particular the article supplied can be most depended on.

2592. I suppose it would be immaterial to you, for the purpose of obtaining the best kind of spirits, whether you get it from a spirit dealer or a grocer?—I would always prefer to send to the grocer for it.

2593. Why should a grocer be a more eligible person to send to than a professional spirit dealer who did not sell groceries?—Because my experience is that grocers generally are a much superior class of men, and that it is not so pleasant for either a youth or an adult to go to a publichouse for anything that is wanted.

2594. I am not speaking of a publichouse, but I am speaking of a spirit dealer—a man who sells spirits, and not a grocer?—We have no such thing with us.

2595. Suppose the provision trade was separated from the liquor trade, would there be any objection to send to a man who only sold liquor not to be consumed on the premises?—None whatever.

2596. There is no virtue in selling groceries with the spirits?—The very opposite. I would prefer a man who had been trained to the trade, and who knew his business both as to buying and selling.

2597. Would you go on with your statement?—A restriction to a quart bottle in a great many cases both in town and country would be a most injudicious and prejudicial thing. Many working people are not able to purchase a quart bottle of whisky. It is very seldom required in a working man's house except as medicine, and few are able to afford it if they attend to their family wants; and there are many who, if they knew

that spirits were in the house, would not rest till they consumed the whole of them, though there are many noble exceptions, I think. I invariably send to the grocer's. I never send to a publichouse, and I think a quart as a minimum is too much, and the publichouse bad. I approve generally of the present laws, but would have some modifications. I think the present laws in many instances are carried out in too lax a manner, especially in regard to Sunday drinking. That is far too common.

2598. *Mr Campbell Swinton.*—Do you apply that to grocers?—No.

2599. *The Chairman.*—In saying that public drinking is too common, you mean public Sunday drinking?—Public Sunday drinking.

2600. Is it within your knowledge that there is a good deal of drinking at home on Sunday, the spirits being purchased on Saturday nights?—In certain localities, especially in the mining districts, a certain portion of them take home drink with them on Saturday and consume it.

2601. You would think that an evil too, would you?—I would.

2602. Is it not the case that that drink is very often got at the grocer's?—It is got both at the grocer's and at the publichouse. It is quite a common thing for parties, especially on Saturday night—the pay night—to indulge to excess in the publichouse, and, when the time comes for shutting, to carry away a portion of spirits with them. The grocer's supply to the husband or wife—generally to the wife—is usually for family purposes. That is not the cause of tippling, but the women sending to the publichouse for a penny or two-pence worth six or eight or ten times a day. I would endeavour to put a stop to that, in the first place by restricting the amount sold by grocers, and in the next place by making the publicans sell it only on the premises.

2603. *Sheriff Crichton.*—How would you restrict it?—I would be inclined to say that a pint at least should be sold by the grocers.

2604. *Mr Ferguson.*—What would you make the minimum?—A gill; but I would rather be inclined to go for eight ounces.

2605. *Mr Campbell Swinton.*—In a closed vessel?—In a closed vessel. But there are many cases where this would be a hardship, and in those cases any body presenting a line from the minister or doctor to a respectable dealer should give him liberty to supply a smaller quantity as a medicine, but not for family purposes. If he gets satisfactory evidence that this is asked as a medicine, he ought to be permitted to sell it.

2606. *Mr Ferguson.*—You said you would make a gill the minimum; do you mean that you would make a pint the maximum?—I would make a pint the minimum. I might approve of a gill, but I would prefer a pint. A pint is little enough to be sold for family purposes. My experience as a police surgeon and a parochial surgeon is that drinking is the great cause of crime, of poverty, and of insanity; and all the victims have been more or less trained in evil habits from their youth; and from the force of bad habits, ignorance, and depravity, the habit once formed will continue unless put under restraint, and the publichouse is their only haunt.

2607. *The Chairman.*—If drinking is such a fertile source of crime and misery, do you not think that the more facilities afforded for drinking, the more drinking there will be?—Yes, I do.

2608. There are some people whom you have described as on the border line, who are a little less confirmed drunkards than others, but are tending towards it. Now, we have been told by a great many people that the facility of getting the drink secretly at the grocer's tends to confirm the habit in such people. That is not your opinion?—I think it does, in those cases I have referred to. I do not think grocers' everyday transactions with families, supplying drink, is the means of encouraging drinking.

2609. But where grocers give the facilities very readily for people to go and buy liquor without the publicity of going to the publichouse, do you not think that that has

an injurious effect in encouraging those people who have a tendency that way ?—To a certain extent it has.

2610. And the opportunity constantly given by going to buy provisions brings it more prominently to their notice ?—As a general rule my experience is that all those dissolute, low tipplers don't go to the grocer's shop at all, but go to the publichouse. Respectable grocers discourage them, but in certain localities of a less respectable nature they go to the grocer's.

2611. We had a grocer yesterday in a considerable way of business who told us that he sold 120 gallons a month in very small quantities,—gills and half-mutchkins ; and we have had several others in the same way. Now, does that not show that it is done on a very large scale indeed, and that there can be very little discrimination used in regard to the persons to whom it is sold ?—That is not my experience.

2612. Your approval of the sale by grocers seems to refer rather to exceptional cases,—that is to say, sales for family use ?—Yes.

2613. But how can you possibly confine it to such legitimate purposes as you would call them ?—I do not see how you could confine it unless you restrict the quantity. If the quantity was restricted, the very parties the proposed improvement is intended to benefit would be the parties benefited. The parties who do not require to be benefited by any enactment are not indulgers. They use it more at the table daily in moderation. It is the lowest class I refer to who get supplies very frequently in publichouses, and they either go themselves or send for them.

2614. You would keep that class out of the grocer's by restricting the quantity ?—I would.

2615. *Mr M'Lagan*.—I don't think you mentioned whether it is within your experience that there have been evasions of the law by grocers. Do you know if there are any evasions of the law ?—Very little. It used to be very common, but it is almost unknown now.

2616. In Dunfermline ?—In Dunfermline. It was common, because of people going to the inn or publichouse—half-a-dozen persons met in the evening to talk over daily matters ; but that has greatly disappeared, and I may say it is unknown in respectable shops. It still exists to a certain extent in the outer circle.

2617. If I understand you aright, I think there is some inconsistency in your statement. I think you stated that grocers' licences were not the cause of intemperance, and further on you said the cause of tippling—by which I assume you meant intemperance—was giving small quantities often in the day by grocers and publichouse keepers ?—Principally by publichouse keepers.

2618. And by grocers also ?—No doubt.

2619. And therefore the grocers' licences have tended to increase intemperance ?—To a certain extent they have.

61. Mr JOHN STEWART, examined.

2620. *The Chairman*.—What are you ? What is your business ?—I am a licensed grocer at 30 Cowgatehead, at the foot of Candlemaker Row. I have been in the same shop for the last nine years.

2621. Do you employ many assistants ?—I have two assistants and a porter. I do a considerable trade among the working classes principally, and I have also some good customers throughout the town, and even from the new town. With reference to a statement made by Bailie Lewis, I have to state that I had occasion to call upon that gentleman on some private affairs, and he took the opportunity to gain information respecting my business as a licensed grocer, which I understood was not to be made use of in public, as he seems to have done, and unwittingly on my part I used a figurative expression common to me that I had supplied pennyworths of tea and sugar along with a gill of spirits hundreds of times, although I really meant on several occasions. I had to go to Bailie Lewis on private business, and what

I said was all in banter. He commenced to advise me to stop selling spirits altogether, and I said I would not do that. I said to him in jest that I would be very glad to send him a puncheon of whisky so old that it would never give him a headache.

2622. What you wish to say is that you did not literally mean that hundreds of people bought a pennyworth of tea and sugar and get a gill of whisky ?—I did not mean that at all. There is a great number of lodging houses in my locality, and some people go there for a single night from Glasgow or Aberdeen and other towns throughout the country. They require to buy only what does for that night and next morning. Poor people, and the working classes generally, do not buy more ; but on Saturday they buy large quantities of sugar and tea, and our best turn over is on Saturday, of sugar, tea, butter, cheese, ham, and so on. There is only one-sixth of my trade in ale, wine, whisky, and brandy.

2623. *Mr M'Lagan*.—Do you sell much wine ?—Yes, a good quantity.

2624. Port wine, I suppose ?—Port, sherry, and claret,—we sell a good deal of them ; and especially this while back we sell more of the cheap wines. I would be in favour of shortening business hours from 8 A.M. till 9 P.M. and 10 P.M. on Saturdays. I would think it but fair that the spirit dealers should close at 10 P.M. I believe that the public would not be in favour of any change, or would approve of the liquor trade being withdrawn from the grocers. It would practically put it beyond the reach of the poor to be compelled to buy quart bottles ; but my belief is that they would go to the publichouse, or club together and discuss the bottle, which in my opinion would be more injurious than the present system. I consider that a man bred to the grocery trade, on making application for a licence, ought to be preferred by the magistrates to one who has not been bred, having consideration to his character, and the premises being suitable. During the seventeen years that I have been a grocer, I have been asked but once to enter goods for spirits, which I refused ; and I am not aware of any other who has done so. I have rarely supplied spirits in open vessels except in very small quantities for medicine. I find that since those who sold 'hard ale' have dropped selling it, that drunkenness in the Cowgate is not nearly so frequent. I would strongly recommend that all whiskies should be two years in bond before being cleared for consumption.

2625. *Sheriff Crichton*.—Were you ever asked to evade the law ?—Yes, I have been asked to evade the law.

2626. Is that a frequent occurrence ?—No, not now. It is not so frequent now as it used to be. But some years ago one of my young men happened to open before 8 o'clock in the morning and to give out a gill. It was stopped after that. He happened to open ten minutes before 8, and it was quite against my instructions.

2627. Before you were there ?—Before I was there.

2628. Did he tell you of it himself ?—They took me up for it.

2629. And what was the result ?—£2, 10s.

2630. You were fined for it ?—Yes ; but it was quite against my instructions.

2631. Are you ever asked to give a dram over the counter during the day ?—Very seldom. Sometimes we are asked, but we never do it now.

2632. *Mr M'Lagan*.—When a commercial traveller comes, are you ever asked to treat him ?—I never encourage that. Many a time I have been asked to do it, and I never do it. I never take anything from commercial travellers.

2633. But is it quite a common thing for them to ask it ?—I would not like a commercial traveller who did it.

2634. But is it the practice ? You have said many a time they have asked you but you have refused ?—Some of them have asked me sometimes, and I refused. I do not like that class of travellers. I think that if they commence the like of that I would rather have no dealings with them.

2635. I think you said that one-sixth of your trade

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Edinburgh. only was in liquor?—Yes, about that. I took a note of it from my books last night.

John Stewart. 2636. And the other five-sixths are profitable enough for you, are they not?—Yes.

2637. Therefore there would be no great hardship to you if the one-sixth were separated from the five-sixths?—Yes, I think it would be a hardship.

2638. How?—Because we can do both trades better together. ¶

2639. Do you think that having that sixth brings customers to you for the other five-sixths?—I think so. Most of the people like to come for their groceries and spirits together. That is my experience.

2640. You think your trade in groceries would fall off if the trade in drink was separated from the trade in groceries?—I could not say very well as to that, but I would rather have them both together. I don't want to commit myself.

2641. But you call yourself a grocer. Now I should suppose that the fact of your selling groceries would be the reason why people would come to you to buy drink. You put it the other way?—Well some of them come and buy drink from me, but do not buy groceries. Perhaps they think that my whisky is better. I don't know the cause, but some of them do come to me for drink and do not buy groceries.

2642. Supposing you were selling your drink in a separate shop from your groceries, you would not lose any customers that would come for that good whisky of yours?—I don't know how that would be. There would be an enormous lot of expense to keep up two shops.

2643. But I am merely supposing the thing. If it was done for one it would be done for all of course, and it would come to the same thing?—I don't know that that would suit at all. I would not like to give an opinion on it.

2644. You have not made up your mind on that?—I would not like to see the trades separated.

2645. You think it is for the convenience of the public that the selling of groceries and the selling of whisky should be joined together?—I think it is. I think the public are quite satisfied, and I have heard them over and over say that; and the last time Parliament was sitting, when we got up a petition, every one was as willing to sign the petition as could be,—except some.

2646. All the licensed grocers were?—But I mean the public at large.

2647. *Mr Ferguson.*—Can you tell us how many signatures there were at that petition?—I cannot remember.

2648. It was stated in evidence that there were 16,000; do you consider that about the truth?—I would consider so.

2649. And it was represented that it was a very large representation of the citizens of Edinburgh, while I suppose the population of Edinburgh is over 200,000 now?—A great number of grocers did not put themselves very much about to get names. I have no doubt if they had all gone round the streets and called on the public they would have got more. But I know that several of the grocers did not put themselves about.

2650. You said just now that everybody willingly rushed to put down their names to this petition?—I meant those that were called upon.

2651. *The Chairman.*—Is a large proportion of your sales of whisky in small quantities?—Yes, a large proportion.

2652. Would you say that fully one-half was in quantities of a pint and under?—Oh yes; there are a great number of gills and half gills, and even the half of that?—In our locality no person ever thinks of buying more than a glass of brandy or gin, that is half a gill, and that is enough for medicine.

2653. And you say you never sell spirits in an open vessel unless as medicine?—I said very seldom. Sometimes we have done it.

2654. But if anybody comes in and says he has a little sinking in his inside, and wants a drink in a hurry?—We would not do it.

2655. Are your sales of whisky large on Saturday

evening?—Yes, they are pretty large on Saturday night.

2656. They seem to buy a large stock on Saturday night?—In our locality they never keep it.

2657. Not for the Sunday?—They can't keep it. There is an awful lot of shebeens in our locality on Sunday, and I consider if the hours are to be shortened, we would have more of them.

2658. What is the sort of quantity that the people buy on Saturday nights?—Some of them buy bottles, but mostly pint bottles and gills.

2659. Do they buy two or three bottles sometimes?—Very few. It is mostly all gills.

2660. *Mr Campbell Swinton.*—Do you sell those gills in bottles?—Yes.

2661. Corked?—Yes. Sometimes we have to draw the cork for them. Poor people do not keep screws in their houses sometimes.

2662. *Sheriff Crichton.*—Have you them ready corked?—Some will not take them unless they see them filled out of the cask.

2663. But you have bottles ready corked containing a gill?—Yes. On Saturday we could not serve our customers otherwise, when we have so many other goods to supply.

2664. *The Chairman.*—Why can you not have a supply of small bottles on the shelf ready to sell?—We have them on the Saturday for convenience, but throughout the week we have not. There is a number of poor people who are very jealous, and they think if they do not see the thing taken out of the cask it is not right. It is difficult to put that out of their minds, though they have dealt with us for years and years. I would not like to see any alteration as to the quantity sold. A number of poor men send for a nip or a glass of brandy, and I think they have as much right to get that at the grocer's as at the publichouse.

2665. *Mr Campbell Swinton.*—But you never give it to them in an open vessel?—Very seldom. It is very seldom they ask it.

2666. *The Chairman.*—I understood you to say in answer to Mr M'Lagan that it would hurt you very much if the licence was taken from you?—Yes, I consider it would. The two businesses are better together, I consider.

2667. Supposing there were other grocers in the same street who had a licence, then it would hurt you very much,—it would tend to make some people go to them instead of you if they had the licence and you had not. Is that so?—In the street I am in there are very small unlicensed shops, but they are very small.

2668. Then practically in your street all the grocers of considerable size have the licence?—Yes, they have.

2669. If one grocer of a good size had the licence and another had not, the grocer who had the licence would be better off?—We consider so in general, but there are some grocers in Edinburgh who have a large trade and who have not the licence at all, and I consider they sell some things cheaper than we do.

2670. Can you tell me a grocer in a large way of business who has no licence?—Mr Inglis in Lothian Street.

2671. A deputation of licensed grocers, who were mostly in a large way of business, told us yesterday that they only knew of three?—Melrose & Company are wholesale tea merchants. Gibsons, in Princes Street, are wholesale.

2672. *Sheriff Crichton.*—They carry on a family trade?—Yes.

2673. *The Chairman.*—Those who have not the licence are generally in a small way of business?—In general, except a few, such as Melrose and Gibson.

2674. Do you mean that many of those small grocers who have no licence have applied for a licence and been refused?—I know another grocer in the Grassmarket in a fair way of doing,—Mr Smith. He would never apply for a licence at all. He is quite against it. I know one who applied and was refused, but I think it was owing to his premises. He was a grocer in Nicolson Street.

2675. *Mr M'Lagan.*—What proportions of wine and

beer, as against whisky, do you sell? Will you sell half?—No.

2676. Then it is principally whisky you sell?—It is more whisky than wine and beer.

2677. *Mr Ferguson*.—I think you said the consumption of light wines was increasing?—It has increased considerably with me this year.

2678. Has that diminished the sale of whisky?—I don't think it. The sale of whisky is as good as ever it was, I think, and better.

2679. *Mr Campbell Swinton*.—Is it the same class of people that send for whisky that send for light wines?—Yes, the same class of people. It is some of them in the better localities that send for wines.

2680. The class that send for whisky in very small quantities do not send for wine, I suppose?—Yes, some of them do.

2681. Even for light wines?—Yes.

2682. *The Chairman*.—When you say light wine, do you mean claret?—No, cheap sherry.

2683. *Mr M'Lagan*.—It is cheap sherry that is increasing in the quantity sold?—Yes.

2684. Is that Hamburg sherry?—No; it is from Spain.

2685. *Sheriff Crichton*.—Have you any objection to the police having the same supervision over your premises as they have over publichouses?—Not the least.

2686. *Mr Campbell Swinton*.—You said that the sale of hard ale has ceased?—Yes, since Dr Cameron's bill came into operation in July it has ceased. There was a clause in that Act which put a stop to it. A great number of small shops in the Cowgate sold it, and they have just the five shilling licence. It was very injurious to the trade, but it is not sold now at all.

62. Mr HENRY MARSHALL DAVIDSON, } examined.
63. Mr GEORGE RICHARDSON,

2687. *The Chairman*.—Mr Davidson, you are clerk of the peace and sheriff-clerk of Haddington?—Yes.

2688. Have you any opinion to express on the subject of our inquiry?—I was asked to come here and give evidence, and I am ready to answer any questions. I understand that Mr List gave in the rules of the county. I think the county of Haddington has distinguished itself considerably in regard to the way in which it has administered the licensing laws. I remember when there were nearly 200 licences granted in the county, and now, by the very excellent way in which the magistrates have discharged their duty, the number has been reduced to 67. There is one thing that Mr List did not point out with reference to the grocers. We have in the county now 38 grocers, but there are 7 of them that sell only porter and ale, and considerable encouragement has been given by the magistrates to that description of licence.

2689. Are there 38 grocers' licences in the county of Haddington?—Yes, irrespective of the burghs; and 7 of these are in small villages, and hold only licences for selling porter and ale. There was a slight mistake in Mr List's evidence, so far as regards one licence. There are in the county now 16 hotels, 13 publichouses, and 38 grocers. Two of these publichouses are licensed only to sell porter and ale, and seven of the grocers are licensed to sell only porter and ale.

2690. *Mr M'Lagan*.—Has that reduction in the number of publichouse and grocers' licences been followed by a reduction in the number of cases of drunkenness?—I think it is very much the same. My impression is that by reducing the number of licences in the county, an increase of drunkenness has been prevented.

2691. But the number remains the same?—I think the consumption of liquors is, one year with another, much the same.

2692. *The Chairman*.—What is your opinion as to the beneficial effect or otherwise of grocers' licences in the country districts?—I should say that generally since

the passing of the Act of 1862 the conduct of the grocery trade has been good and satisfactory, and in fact I do not think there is any necessity for making any alteration in the present law.

2693. We have had evidence placed before this Commission as to the evil effects of some grocers' licences in enabling women to get drink easily, and to take to tippling habits?—We have very little of that in our county.

2694. I was assured by a minister in East Lothian last night that in several parishes he knew a great deterioration in the habits of the people from that cause?—That is not the case so far as my observation goes. I think that the statements as regards grocers selling spirits are greatly exaggerated.

2695. Then you think that it does no harm that very small quantities of spirits should be got easily from the grocers?—I think not. I have a strong opinion upon this point, however, that small quantities of spirits, or any quantity of spirits, should not be sold by publicans to be consumed off the premises.

2696. But why should a publican not sell a quantity to be taken away, if a grocer may do it?—I think his proper business is to attend to his publichouse, and look after the people who come there to enjoy themselves.

2697. I observe that before the Commission of 1860 you held a different opinion. Do you remember that?—Yes.

2698. You said you thought a grocer should not be allowed to sell less than six bottles at a time?—That was my idea at that time; but since the operation of the 1862 Act I have quite changed my opinion.

2699. In what respect has the operation of that Act changed your opinion?—I think there has been a strong supervision by the magistrates and police in the way of reduction of licences, and in the taking up and investigation of breaches of certificate.

2700. But how far have the licences been reduced since 1862?—I am not exactly certain as to the year 1862. They must have been upwards of 100 in 1862; but I am not quite positive.

2701. The number of licences altogether in 1860 was 81, and 76 was the number which the justices thought right for the county. Now I rather think the number is 81?—It is 67 now.

2702. Of all kinds?—Of all kinds, including those who sell porter and ale only.

2703. Is it your impression that since 1862, from one cause or another, drinking habits are so much lessened that the restriction you then thought necessary is not now necessary?—It has not increased. I think it has been kept down by the reduction of the number of licences. It might have increased if they had been kept up at the same number.

2704. We had a witness from the village of Gifford, who told us there were 2 publichouses and 1 grocer's shop in a village of 500 inhabitants?—That is a village I know very well, and I have had a good deal to do with it. There were formerly a good many more licences in that village than there are now. I should think there was not more dissipation than there was when I knew it well.

2705. In a village of that size, would the limitation of licensed houses to three discourage drinking? Would not everybody have it as close as need be?—They can just get as much from one shop as from two. By dividing their custom among two, the thing might be the same as if they went to one.

2706. If you take that as an illustration, where the houses have been reduced from five to three, I don't see how you can ascribe the reduction of drinking habits to that cause when there are still three open, and you say they could get as much in three as in five, or in one as in three?—With reference to that particular place I don't know that there is much difference from what there used to be. There is one matter that I took some trouble with in managing Lord Tweeddale's affairs there, and that was changing the pay day upon a large estate from the Saturday night till the Monday. I found that that was the means of diminishing drinking; and I would highly recommend that grocers should not be allowed to keep longer hours on a Saturday than on any

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other day of the week. I think it is just an encouragement to people laying in a stock for private drinking upon the Sunday. I think also that a limitation of the grocers' hours from 8 in the morning till 8 at night would be satisfactory.

2707. Why should a grocer's hours be limited to these if the publichouses may keep open till 11?—According to my view that would be just for people going into the publichouse and consuming liquors on the premises.

2708. But if the two classes of licences had to be put side by side, that would be handicapping one against the other, would it not?—Yes, but in a different way, I think. If it were made the law that liquor could only be consumed in publichouses on the premises, it would be a different class that would be supplied.

2709. Is there anything else you would like to state?—No.

2710. *Mr Campbell Swinton.*—In cases where the system, that you recommend of not paying wages on Saturday has not been adopted, might there not sometimes be a necessity, for the convenience of the population, in having their houses open longer on Saturday?—I should be rather inclined to restrict it.

2711. In order to drive people not to pay wages on Saturday?—Yes.

2712. You think it would probably lead to that?—I think the change was highly beneficial.

2713. *The Chairman.*—Excuse me calling your attention to your evidence before the previous Commission, because you have changed your mind a good deal. In your former evidence you said that the Forbes McKenzie Act made little or no change in the regulations that were previously enforced in the county, because you had them almost all in force for a long period by the magistrates. Then you stated that you thought the increase of intoxication was owing to the operation of the Forbes McKenzie Act, as the 'grocers' not being allowed to consume on the premises made a 'considerable change. The grocers not being allowed 'to have malt liquors and spirits consumed on their 'premises caused the parties dealing with them 'to take 'the drink away and consume it in their own houses. 'I think there is a great increase in that.' Then you were asked, 'Do you think that the grocers sell more 'now than they did?' and you answered, 'I think 'there is a greater consumption.' 'From the stock 'of the grocers?' you were asked; and the answer is: 'There are more grocers now. The proportion of 'grocers is larger. There are 43 grocers out of 81 'licensed persons, including innkeepers, and I think 'that is a large proportion.' 'Has the number of cases 'of assault and disorderly conduct arising from intoxication increased?' 'Decidedly. The number of petty 'assaults has decidedly increased.' Now, you see you thought 43 grocers are a large proportion out of 81; but the proportion now is 40 out of 68?—It is 38 including 7 selling porter and ale only.

2714. But it is a much larger proportion?—I think it would be satisfactory to reduce them still further, particularly in large villages such as Tranent and Prestonpans.

2715. That is exactly what I should like to ask you about. The magistrates in granting grocers' licences may be actuated either by a desire to reduce the number absolutely, or to give them only to suitable persons. But is it not the case that if you give a licence to one grocer and refuse a licence to another, you help one man greatly in his general business to the hurt of the other?—There is no doubt that the granting of a spirit licence is of great importance in increasing his business. That is quite clear.

2716. Then you are liable to cause unfairness to one man by giving something to another that improves his general business?—The tendency of the whole management by the magistrates has been to reduce the number gradually from year to year, and they have been every year trying to bring them still lower than was thought necessary for the county; and now instead of having 76, they are down to 67.

2717. They have reduced the publichouses, but not

the grocers?—They have reduced the publichouses, but the grocers not so much. The cause of the grocers being more numerous than they would otherwise be was that there was a wish on the part of the magistrates to give in certain localities a grocers' licence where they had only a porter and ale licence.

2718. But it is the case that the granting of a licence to one grocer and refusing it to another gives a great advantage to the grantee in his general business?—There is not the least doubt about that; and whenever there is a licence open, there is great competition among those who are unlicensed to try and get the licence.

2719. Can you see your way to reducing the number of licensed grocers farther, without hurting some of them in their general business?—When a man dies, or vacancies take place by giving up business, it is at that time that the magistrates take the opportunity of getting rid of licences.

2720. But in seventeen years they have only managed to reduce them by three. In 1860 they had 43 licensed grocers, and they have now 40?—They have now 38, including the 7 that have only porter and ale licences.

2721. Mr List returns the list of licences to grocers at 40 in the landward part of the county?—He is mistaken. I have an accurate statement here of every place where the licences have been suppressed. Some proprietors have suppressed them by not allowing their houses to be occupied for publichouses. The number has been reduced in consequence of that, and I have an accurate list of them at the present moment showing where every licence is granted in every part of the county, and where reductions have taken place.

2722. *Mr Campbell Swinton.*—It has been suggested that it is not an unmixed good for the proprietors of houses to cease to allow their houses to be used as publichouses. Has it not sometimes the effect of throwing publichouse property into inferior hands, which have not so much control over the publican as the landed proprietor would have?—I know a case where there were two publichouses in a village, and the landed proprietor suppressed them both, principally owing to this, that they were situated on the public road, and there was a great obstruction to the public through the stopping of carts opposite the houses.

2723. Was the result the institution of any other publichouse in their stead?—No; no publichouse was put up there; but I believe the suppression of these two houses in that particular village has been the means of causing a considerable amount of shebeening.

2724. You said a number were licensed only for the sale of porter and ales. Did they apply originally for spirit licences?—No, I think they were applied for with the consent of the proprietors for the convenience of the public. The proprietors would not allow spirits to be sold, and with their sanction the parties applied for a porter and ale licence.

2725. *The Chairman.*—Do you think that the justices for the county generally agree with you in the view which you have now expressed about the grocers' licences?—There is a great variety of opinion, some one way and some another.

2726. *Mr Campbell Swinton.*—Do the justices ever grant a grocer's licence to a man who applies for a publichouse licence?—Never under that application. It is not competent, I think.

2727. *Mr Ferguson.*—It is competent?—We have never done it.

2728. *The Chairman.*—Mr Richardson, how long have you been in the town council of Haddington?—*Mr Richardson.*—Just now I have been for two years, but I was in the council before. I am treasurer of the burgh.

2729. What is your profession?—I carried on a grocery and spirit trade, in company with my late brother, for twenty-five years, and latterly by myself, but I am not now in business.

2730. And you held a licence, I suppose?—Yes, for that time.

2731. How many licensed grocers are there now in the burgh?—I forget.

2732. Do most of the principal grocers hold a licence?—They all hold the full licence except one, and I think that is Mr Brooke. He holds only a beer and wine licence.

2733. You think all the grocers hold a licence except him?—All except one or two small shops.

2734. Then it would be a great disadvantage to one of them if he lost the licence in his ordinary business?—It would certainly be a great loss to his profit.

2735. It would hurt his grocery business?—I have no doubt it would; because people might go and get their groceries where they got their drink.

2736. Are the magistrates not in this position, that they can hardly refuse a licence to an established and respectable grocer without actually doing him an injury?—Certainly they are.

2737. Did you find your sales for a great part to be in small quantities?—Not so much as in some places. Lately, after the duty on whisky was raised to 10s., the pint bottle system came more into vogue than full bottles, because the price was so high. But there was certainly a great deal of whisky sold in gills and two gills, and so on.

2738. What class of people came to you for spirits instead of going to the publichouse?—That is a question I could not very well answer.

2739. You don't think that the same people were going to the publichouse and coming to you?—No, I don't think it. I think as a rule people get their whisky in grocers' shops in Haddington for consumption at home, but of course they must go to the publichouse if they choose to drink on the premises.

2740. Is it your opinion that the people who do that are presumably rather of a steadier class than those who go to the publichouse?—I don't think they are. They may do both; they may get drink in the publichouse, and they may also buy drink to take home. The truth is that grocers, as a rule, I believe, sell better whisky than is to be got at the publichouse, and that is the reason why the grocers have the command of that trade.

2741. Would it have interfered much with your business if you had not been allowed to sell in an open vessel, or in an uncorked bottle?—No, I think they should not be allowed to sell in open vessels. I would recommend that not less than a gill in a corked bottle ought to be sold by a grocer.

2742. Would you think the obligation to sell it sealed, so as to show that it was securely corked, would be a hardship?—It would give trouble to the retailer, and I do not see what good it would do.

2743. There are corks and corks, and some do not fit tight; and if the objection is that a child, for instance, or a girl, might take a little on the way home, is there any security against that?—The seal does no good in that way, if the bottle is firmly corked.

2744. Would you prosecute a man for not having a bottle securely corked?—No.

2745. Unless it is sealed, is there any way by which that could be secured?—It could be sealed, of course, but I do not see any practical benefit arising from it.

2746. Is there any point that occurs to you that you would like to state?—I don't think that legislation will ever put down drunkenness, and I am quite opposed to arbitrary police laws being passed for that purpose.

2747. Do you think legislation may diminish drunkenness?—No, I don't.

2748. Then you are not of opinion that the legislation of the Forbes M'Kenzie Act, as it is called, has diminished drunkenness?—I don't think it.

2749. But it has been so held?—It has been so held, but the Excise returns show that there is just as much whisky drunk as ever.

2750. Do you think the closing of the publichouses at 11 o'clock at night had a good effect?—I daresay it would, so far as late hours went.

2751. And that was legislation?—Yes it is legislation, so far as hours go.

2752. *Mr Campbell Swinton*.—Does not the Sunday closing do good?—The publichouses before the Forbes

M'Kenzie Act passed were allowed to sell even on Sundays, except during divine service, and it is my opinion, as well as the opinion of other people in the town, that there are more drunken persons to be seen on the streets on Sunday now than there was when the law was in that position.

2753. *The Chairman*.—Then Haddington is in a very peculiar position, because the returns from other parts of Scotland show a wonderful diminution on Sunday. But you don't think that is the case in Haddington?—Not in my opinion.

2754. Then in that case, is the Forbes M'Kenzie Act in abeyance there? Can they buy the drink on Sunday?—It would appear they get it somehow.

2755. Then they buy it on Saturday night, I suppose?—I cannot tell.

2756. They must get it somewhere?—I think that the way to put down the evils that are complained of is to view it not as a police matter, but as an Excise matter. The evasion of the licensing laws should be held to be the same as smuggling, because it is an evasion or defrauding of the revenue, and I have no objection to see strict Excise measures to put down that sort of indirect smuggling, as we may call it; because when a man sells whisky without a licence that is a fraud against the revenue, therefore the Excise could put that down in the same way as they put down smuggling, by a heavy fine, and by withdrawing the licence for the time. I have not the least doubt it could be done. I would not allow a policeman to enter licensed premises at all, except for the sole purpose of preserving the peace.

2757. *Mr Campbell Swinton*.—Even a publichouse?—Even a publichouse; and I am entirely against a publican or an hotel-keeper selling except for consumption on the premises, and of course the grocers off the premises. As to the allegation about grocers' shops being a means of learning people to drink, I think it is more an idea that some people have got into their heads than anything else.

2758. *The Chairman*.—You don't think there is any truth in the statement, for instance, that people who would not go on any account to the publichouse do not mind going to the grocer's, and so they drink, whereas they would not but for the grocer's?—I think that is a mistake.

2759. Then may I ask in what you think that statement is erroneous?—It is just my opinion that it is not the case.

2760. You mean, then, that if the grocer could not sell whisky, these people would go to the publichouse?—Yes, decidedly. If people will have spirituous liquors, they will go where they can get them. There is no doubt of that. The complaint about grocers marking down whisky in pass-books as goods or some other article is, I think, grossly exaggerated—in my experience at all events; and the cure for it is a very simple one, in my opinion. It is just this, that these tradesmen have it in their own hand. They need not keep pass-books unless they like, and that would put an end to it. There is no necessity for the legislature to protect them in their dealings in that way. I think the complaint is very much exaggerated, though I daresay there may be cases.

2761. Have you heard that working people now borrow from money lenders instead of running up accounts at the grocers?—I never heard that.

2762. The clerk of the peace of the county of Edinburgh told us yesterday that at one Small Debt Court last Monday there were 28 suits at the instance of money lenders against working men?—I am not aware of that.

2763. Have you anything else to state?—I think the hours of grocers should be limited from 8 to 8, and of publicans from 8 to 10. The grocers might be open till 10 o'clock on Saturday night.

2764. When you deprecate legislation on these matters, why do you suggest legislation to shorten the hours of grocers' sales?—That is merely a shortening of the hours. The legislation I was referring to was extreme police laws,—what I would call arbitrary laws.

2765. Would it not be rather arbitrary to say to a

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I don't think it. They generally do. It is arbitrary to a certain extent, no doubt.

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2766. Anything else?—To make the trade more respectable in some cases, I would propose not only to raise the rental, but to raise the licence duty.

2767. How would you enforce the law that the grocers should shut at 8 o'clock in the evening?—Of course you could not expect the Excise to do that, but the police could do it.

2768. Is not that exactly what you deprecate?—In some senses. The policeman can see if a shop is shut without going into it.

2769. It may be nominally shut, and somebody inside for all that. You would be obliged to enforce the law if you made it, and would that not bring upon the trade the very thing you don't want?—Well, I don't know.

2770. Supposing a policeman had reason to believe that there were half-a-dozen men drinking in a grocer's shop, though the door was shut, and the law said they must not be in the shop after 8 o'clock, must he not get in and interfere with the man's business?—No, I would not allow that.

2771. You would not allow him to go in?—No.

2772. Then you would make a law, but you would not enforce it?—I don't see that it is necessary for him to go into the shop. It might be enforced without that.

2773. Anything else?—I would raise the licence duty. I think the rental of a grocer's shop might be limited to £15 as a minimum, and the licence duty might be raised to £15 for all kinds as a minimum.

2774. Is that to keep it in respectable hands?—Yes, rising perhaps even to £20.

2775. *Mr Campbell Swinton.*—Would the same sum do for all places?—I should think it would.

2776. £15 would be a very small sum in some parts of Edinburgh, and a considerable sum in the county?—The highest sum is £15, 17s. 1d. in Edinburgh at the present moment.

2777. But I am speaking of the rental of houses. You could not make the rental of houses the same in all places. Must it not have some proportion to other rents in the locality?—There may be £15 rentals in any town. There are very few below it.

2778. *Sheriff Crichton.*—Have you any view as to having the dwelling-houses connected with grocers' shops?—Yes, I should say that the dwelling-houses should, if possible, be separate from the business altogether.

2779. *Mr M'Lagan.*—I think you stated that grocers' licences were not the cause of the encouragement of drunkenness?—I don't think it.

2780. You think they are not?—I think they are not.

2781. You stated at the same time that grocers were enabled to sell spirits cheaper than publichouse keepers?—I do not think I said that,—I said they sold a better quality.

2782. Did you not add also cheaper?—No, I don't think it.

2783. There is no doubt, however, that the facilities afforded by grocers selling spirits must in some way or other encourage people to drink?—You think that?

2784. I am asking you if you think it? The facilities afforded must be some encouragement to people drinking?—I don't think it.

2785. You think not at all?—No.

2786. You think if there was no place whatever for people to get drink in the district, there would still be the same quantity of drink drunk?—That comes to putting down the drink altogether. I have no doubt if it was entirely put down in that way in a village they would just go to a distance to get it. I am, however, doubtful if it would put down the general consumption of whisky in the whole county. The drink would be got somewhere or other.

2787. You think the same class of people who go to grocers to buy spirits would go to the publichouse to buy spirits?—Yes, if they were forced to it.

2788. Suppose that people who have not a taste for it, but are tempted to take a glass of spirits though hav-

ing no taste for it, and would not care to be seen going to a publichouse?—Perhaps they might not care so much to go, but they would go if they were determined to have it.

2789. But I am talking of people who are not determined to have it,—people who go in and are offered a glass of spirits when they are not thinking of it?—That is a small matter.

2790. It is not a small matter. It is a small beginning, but it becomes a large matter afterwards?—If people will learn to drink, they will learn it somehow. I think no licence should be granted to any person that has not served an apprenticeship to the trade.

2791. *The Chairman.*—Do you say that in the interests of the trade or in the interests of good order?—I should say in the interests of both in a way,—rather in the interest that a man should know his trade. It is not right to grant a liquor licence to a person that knows nothing about it. I don't want the trade to be a close one. I think fair-play should be given. When I mentioned the rental for the premises, I intended it to extend to publichouses as well as to grocers. There might be some difficulty in the country with such a rental, but I think there would be no difficulty in towns. Then I think that the grocer's licence should be changed in name to a licence to sell whisky, wine, and spirits, and not to be called a grocer's licence. That would enable the licensing magistrates, if they thought fit, to grant no more grocers' licences than existed now, and rather to grant licences to sell liquor only. By this means they might gradually separate the trades if it was thought fit.

2792. *Mr Campbell Swinton.*—That would just be a mode of separating the trades?—Yes, in time. I don't say it would be done. I cannot see what good it would do to separate the trades, but if Parliament should determine on it, I think five years ought to be allowed as a time for the present licensed grocers to prepare for it. As an improvement on the quality of spirits consumed, I would say that they ought to be kept two years in bond before being cleared for consumption. This would prevent so much fiery spirit being used.

2793. *The Chairman.*—Whose duty would you make it to see that no raw whisky is sold?—The duty of the Excise. It is a very simple matter. Only it would take time. It could not be done in a moment. Say it was to take place at the beginning of the next year, you could not get whisky two years old to supply the country. It would have to be prepared for. There is not that quantity in bond two years old. It would stop the supply. The Excise or Inland Revenue can easily manage that. The only other remark I have to make is that, in my experience in my own neighbourhood, I don't think the country is going to the dogs with drink year by year, as some people allege.

64. Mr JOSIAH LIVINGSTON, examined.

2794. *The Chairman.*—You are a merchant and Justice of the Peace for the city of the county of Edinburgh?—Yes.

2795. When you say merchant, what sort of merchant do you mean?—I am an importer of wines and brandies and of general goods.

2796. A retailer?—No; I sell to wholesale and retail merchants in Edinburgh and Leith.

2797. You have prepared a statement?—Yes. So far as can be seen, the connection in Scotland between the grocery trade and the sale of wines and spirits, for the use of the people at home, has been from a very remote period. It seems to be one of those matters in which our ancestors followed French usage rather than English. It has always been the habit of the French epicier to sell the wine and spirits wanted for family use. This we know existed in Scotland in the middle of the last century. There are businesses now existing in Edinburgh which were carried on in the same manner more than a hundred years ago. There is the

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business to which Sir Wm. Fettes succeeded from his mother, now that of R. D. Thomson; Innes and Grieve, who have succeeded to Wm. Henderson and Son; W. E. Gardner, whose business was carried on by Alex. Livingston, and no doubt more could be traced, all of which were in the middle of the last century what they are now—grocery and wine and spirit businesses. The Home Drummond Act found the system of very ancient standing, and the whole effect and purpose of the Home Drummond Act was to attempt to enforce the better observance of the Sabbath, by making penalties for opening during the hours of divine service. I am old enough to recollect that this Act, though well intentioned, was much decried because it seemed to legalise trading at other hours on Sabbath, which it was then held to be illegal, and preventible under the well-known Act Charles II. Both under the previous state of the law and under the Home Drummond Act, there was one law and one certificate for all classes of vendors; they were all classed as persons licensed 'to keep common inns, ale-houses or victualing houses, within which ale, beer, spirits, wine, and other excisable liquors may under Excise licences be sold by retail to be drunk or consumed on the premises,' the licence being made ample to cover all classes and all sorts of trade. For the first time in 1853 is the word 'grocer' used in the Act, commonly called the Forbes M'Kenzie Act. The grocer had always been the channel through which the public got their supplies, but it had been found unnecessary previously to make any separation of classes of distributors, but in 1853 the Act classified the trade into three—the grocer, the publican, and the hotel-keeper. I am old enough to remember the trade previous to the passing of this Act, and can speak to the beneficial action of it. Its action on public morality has been unspeakably beneficial. It was a most common thing to see, in the low parts of the town, crowds of men and women on Sabbath mornings in a drunken state, and the facilities for drinking on Sabbath enabled them to spend the wages they got on Saturday in Sabbath drinking, and in drinking on after that till all was spent. Now there is a stopper put on, as far as the law is concerned, so that although men may be drunk on Saturday, they have a good chance of being sober by Monday. To this Act I ascribe much of the enormous improvement of late years on the working classes—their large investments in houses for their own occupation—their growing deposits in savings banks till we have in Edinburgh and Glasgow 1 in 5 of the population as depositors; and the rapid increase in the sale of healthy luxuries, such as tea. It has also greatly improved the men in the trade, and fitted them for a fair day's work. I know a great improvement on the class of men called publicans; and more especially so far as my knowledge is concerned, I know a great improvement on the grocers, caused by shortening of the hours. Twelve o'clock was the universal hour for Saturday night, and ten and eleven o'clock every other night. At first they could not see the possibility of closing at eleven on Saturday night, but they soon found that it was quite practicable, and the hours have been gradually shortening ever since. From the fact of grocers having been up to 1853 licensed to retail spirits to be consumed on the premises, and from their having, especially in country districts, in a majority of cases, acted on this licence, there still remains a very common idea that grocers sell spirits to be consumed in their back shops. This idea might for years after the change of law receive countenance from the fact that it would be difficult to bring about at once a change of system. It was hard to convince a dealer that what was legal up to 15th May 1853, became criminal on that day; and it would be hard to convince customers that what they had been up till that time accustomed to was now illegal, and not to be allowed. These circumstances to a certain extent explain the idea still lingering in the public mind, and which finds expression in the statements of our testotal friends. I can say that, although I am very much among grocers, I cannot of my own knowledge

point to any infraction of the law in respect of consumption on the premises. But I know that at and for years after 1853, although this never happens now, so far as I see, licensing magistrates, when they would not grant a man a publichouse licence, compromised the matter with him in many cases, by granting him a grocer's licence, and in this way people got into the trade who would be likely to transgress in this respect; and I know that some persons who had not been bred to the trade, have obtained grocers' licences with the view of eking out a livelihood in connection with other occupations; these persons I would consider as likely to transgress. I would like to say a word in favour of a class that I think has been a good deal maligned in the whole of the evidence given before the Commission,—I mean the small grocer. I know it is in that class that we are most likely to find transgressors of the law, but we have in that class men and women as thoroughly respectable and carrying on as respectable trade as any description of trade in the country. From my knowledge of my own business, I could point to very many men who may be called small grocers in Edinburgh and Leith, paying not a high rent,—a rent which might be struck at by any scale which might be named for licences, and yet who are doing a great deal of good, carrying on a respectable trade, and men who are of use to the community and of use to their customers. I could name many of them. —I had much communication with the grocers of Edinburgh and of other parts of Scotland on the subject of infractions of the law. They all with whom I have conversed repudiate any such acting, and they all state their belief that there are persons in the trade who transgress the law. They state to me that these persons are known to the police, and that it would not be difficult for the police to convict them. The grocers who are associated with me unanimously state their thorough approval of the Forbes Mackenzie Act, and their desire to see it wrought out in its entirety, and their belief that if wrought out it would prevent any cause of complaint as to the effects of grocer's shops.

2798. In what respect can the Forbes Mackenzie Act be wrought out so as to prevent any cause of complaint as to the effects of grocers' shops; what do you mean by that?—By seeing that so far as possible the law is observed by no spirits being sold for consumption on the premises, and by the hour being strictly adhered to.

2799. But in what respect do you think the hour is not strictly adhered to?—I don't speak from my own knowledge here. I have as much to do with the grocers as any other person, and the respectable grocers allege to me that there are shops where even after 11 o'clock there is drinking going on. I have had much communing with the grocers as to what improvements could be made on the law as to the sale of drink so as to benefit the general morality of the people. They are unanimous in pointing out that great benefit has flowed from the restriction of the hours of sale under the Forbes M'Kenzie Act; that that Act was distinctly understood when it was passed not to be a 'finality measure,' and that the time has now come when its restrictions should be still further extended. By it all dealers are restricted from selling before 8 or after 11. They propose that no grocers' shop should be allowed to be open before 8 A.M. or after 8 P.M. Some of them plead for an extension to 10 P.M. on Saturdays, and perhaps this might be desirable in some districts. I would be very much pleased indeed if the hours could be made not later than 8 o'clock on Saturday and every other day. I think that is quite late enough. If this were carried out, and steps have been taken to have a bill introduced into Parliament for the purpose, it would put out of the trade that class of shops who may be suspected of carrying on the practices alleged against grocers. Of course it would not do to make these restrictions of hours apply solely to grocers.

2800. Will you tell me on what principle Parliament could be asked to oblige grocers to close their shops at 8 o'clock in the evening, when publichouses are open to

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a later hour?—I am just coming to that. I had some communication with the leading men in the publichouse trade as to whether they would concur in a shortening of the hours. I found, somewhat to my surprise and greatly to my gratification, a general desire on their part for a shortening of the hours. They all wished a general closing not later than 10 P.M., but stated that it would require to be a provision that this was carried out without favour or exception, because it would not do to require a publican to empty his house or refuse admittance at 10 P.M., knowing that his customers would only be sent to the hotel opposite, where drink is obtained considerably after the legal hours.

2801. But why should the grocers be obliged to close at 8, and the publican not till 10?—I am not prepared to answer that question. It is commonly understood among the people that those who require to get refreshments away from home may require a somewhat later time than those who are to take refreshments home.

2802. Does it not amount to this, that the superior class of grocers would prefer to close early, but some of them are made to keep open later than they would like by the competition of others, and they desire to have a law made that they should all close at the same time? Is not that what it amounts to? It is not that they would be very glad to have an early closing movement, and would like it fixed by law so that all might keep to it?—That is partly the reason. In regard to the sale of spirits in smaller quantities than a bottle—the result of very careful inquiries has been to convince me of the impropriety of making any restriction. Spirits occupy the place in Scotland which beer occupies in England. A housewife provides a pint or pot of beer for her husband's supper, for which she pays 3d. or 6d.; a woman in the same rank provides half a gill of whisky or a gill, for which she pays 3d. or 6d. In neither case is there accommodation or desire for more than the quantity to be used at the time, and it is better for them that no more than what is wanted should be obtained. It would make a revolution in England were an attempt to be made to compel the people to purchase beer in such quantities as would equal the cost of a bottle of whisky—3s. or 3s. 6d. Some of the larger family grocers remarked on this subject that it did not all concern them, none of their sales, or an inappreciable quantity, being less than a bottle. I asked them to keep a particular record of their sales, and they expressed astonishment at the proportion which went away in small quantities. One, who had been sure that his sales were all in large quantities, finding that 15 per cent. of the whole quantity he sold went out in quantities of less than a pint; another, whose idea has been the same, finding his result 42·9 per cent. of his whole sale in pints and under; and another, 27·5 per cent. of his, although he does a large trade in 5 and 10 gallon parcels to England. I mention this to show that purchases in small quantities is the habit not of the waifs of society, but of the respectable classes frequenting the best class of shops.

2803. You say that a housewife in England gets 3d. worth of beer, and that it would be inconvenient to buy 3s. 6d. worth at once; but that is because the beer won't keep, is it not, and requires to be fresh drawn?—Not necessarily. She might buy it in bottle.

2804. But you know that the habit, from one end of England to the other, is to have the beer fresh drawn. That is not surely on all-fours with whisky, which will keep good for a long time?—They don't desire to keep it. They desire to get what they want, and be done with it.

2805. Then you cannot say that the necessity is on all-fours?—I think it is.

2806. *Mr Campbell Swinton.*—If you force people to buy nothing but bottles of whisky in Scotland, you mean you might as well force them to buy nothing but bottled beer in England?—I say if you compel people to buy 3s. 6d. worth, when they don't want more than 3d. worth, the cases of beer and whisky are analogous.

2807. You mean that you would make them give up draught beer, and make them drink nothing but bottled beer in England?—No, that is not what I say.

2808. *The Chairman.*—Do you not know that the ground on which Parliament over and over again has refused to close the publichouses on Sunday in England is that, beer being the national beverage, won't keep from Saturday night, when drawn?—I know the reason why Parliament has refused is that beer is the national beverage in England, and the people desire to get their beer exactly as they want it, and when they want it.

2809. Do you know that beer drawn in a jug will not keep till next day?—But that is not the reason. I know that the people desire to have their drink as they want it, and when they want it. All the grocers repudiate the idea of their ever selling or being asked to sell spirits in open vessels.

2810. *Mr Campbell Swinton.*—You mean all grocers that you have been in communication with. You don't say that there are not any grocers who sell in open vessels?—I think I may say there are not. The grocers I come in contact with are able to speak to the whole trade, and they universally tell me that they never see it. There are in shops traditions of a wretched woman coming in once in two or three years and holding out an open vessel to get whisky in it, just as there is a tradition of a wretched woman coming in and holding out her shoe for it. But it is utterly unknown in the usual trade; and all the grocers I come in contact with tell me there is no such custom as spirits being sold even in the lowest shops in open vessels.

2811. Then these grocers would have no objection to its being made compulsory by law that the sale should be in closed vessels?—Certainly they would not.

2812. You object to bottles, but you don't object to bottles if they are small enough?—Exactly.

2813. What is the smallest bottle you would think necessary,—a gill or a half pint?—I should think the habits of the people are such that a gill would not be too small a quantity.

2814. And you would have the bottle securely corked?—I don't think that the people who go in to buy spirits, who are really doing business, and who come in very considerable numbers at the time when they are making their purchases, would have the patience to stand, as we do at an apothecary's counter, till we get our little phial of medicine securely corked up and sealed very carefully.

2815. What preference do you give to a bottle over a tea-cup if the bottle is not corked?—I thought you were talking of sealing.

2816. I said corked, and securely corked?—Certainly corked, and securely corked.

2817. *The Chairman.*—How are you able to ensure that it is securely corked?—It must be corked so that the cork can get out. It is intended to come out.

2818. Where is the great advantage in insisting on a bottle, and on the cork being pushed in when taken away, over a jug, unless the cork is to be securely fastened? Where is the advantage of the bottle with the cork stuck in, over the jug?—Never having seen anything of the jug business, I cannot speak of its disadvantages.

2819. Are you aware that it is the case that very commonly the poorer class of customers, buying in small quantities, bring their own bottles, and the whisky is poured in and the cork put in, and it is taken away. I don't know if the cork is put in, but it is taken away in their own bottle?—I know that. Calling at grocers' shops, I see that very generally.

2820. There is not a great difference between that and bringing a jug for it, is there, unless it is securely corked?—Well, it is a more seemly habit.

2821. You said just now that the public will have their whisky, where, and how they like it; and yet you wish to prevent them having it after 8 o'clock at night?—The law has always recognised a certain limit of hours for the sale of spirits and other sorts of drink, and that has proved to be beneficial. The Forbes

Mackenzie Act has proved exceedingly beneficial to all parties concerned; and I don't state it as my own opinion so much as that of men actually experienced in the trade, that it is better for all classes that the hours should be still further shortened.

2822. The law says it can only be sold in the grocer's shop; it must not be sold in any other shop, and must not be drunk in the shop. So that we have got far beyond the point of people drinking when and how they like?—I don't see any great providence on the part of a housewife in looking forward from 8 o'clock to the supper hour.

2823. You see that you have to make large deductions from a general statement like that?—I don't see that you have to make very large deductions. There must be certain exceptions, but I don't think it is asking very much of the people that they should purchase any goods they want before 8 o'clock at night.

2824. *Mr Campbell Swinton*.—What is the great advantage of their doing it at that time rather than later?—One could write a pamphlet on the general advantage of shortened hours. The labouring classes have got their hours very considerably shortened.

2825. Oh! it is for the benefit of the trader, that he may be relieved from work earlier,—not with a view to the public advantage?—It is with a view to both. The labouring classes have got their hours of labour very considerably shortened, so that if they wish to make their purchases they have now much greater time to make them at an early hour than they had before.

2826. You think it is only fair that a dealer in groceries should have his hours shortened too?—That is one view of the subject; and I acknowledge that my own desire for the general good of the public prompts me to desire the shortening of the hours in which drink is sold as much as possible. I desire that people should have their liberty in every way. At the same time, I am very desirous indeed that the hours should be shortened in which drink is obtained by the people. It is objected sometimes that it would only drive people into shebeens were the hours very much shortened. I have asked men in the trade, who know it as well as can be, whether that would be the case, and they assure me that those men who go to the shebeens go there when they are drunk or nearly drunk,—that after a man is driven out of a publichouse three-parts drunk at 11 o'clock he is tempted to go to the shebeen; if he left the publichouse earlier, he would have more chance to be in such a sober state as to go straight home, and not go to the shebeen. I will put in, if you please, a report by our Chamber of Commerce some years ago, in which they make certain suggestions, one of which is as to the limit of rent. The Chamber of Commerce proposed that the cost of licence should be considerably increased, and one way of doing that they thought might be by raising the limit of rent. But although they came to the general conclusion that such should be, they found such great difference between town and country and between different parts of the country, and different sorts of towns, that they were utterly unable to come to any limit. There was a sliding scale suggested by the last Royal Commission on the subject, but the Chamber of Commerce thought that a sliding scale could not be definitely laid down, though they think it very desirable that there should be a rise in the limit. (See App. D, p. 499.)

2827. You think they must leave that to the discretion of the local authority?—Yes.

2828. As to closed bottles, you said it was quite impossible to contemplate the possibility of having the bottle sealed?—I think it would be a hardship to the tradesman, and do no good.

2829. Would it not prevent the possibility of the young person or child, who might be sent as a messenger to get liquor, tasting it on the way home?—Of course it would prevent the possibility of their tasting without its being known; but I think they cannot taste it very well without its being known any way.

2830. If the bottle is not completely closed, how would it be known they had tasted it?—I think if a man or woman sent a young person for a certain supply

of spirits, they would easily detect if there had been pilfering on the road, quite as easily as if the cork were sealed.

2831. *The Chairman*.—If the connection of the provision and the liquor trade is so ancient as you have stated, how is it that the number of licenced grocers has so largely increased in Edinburgh of late years? It seems to have taken a development of late years that it had not attained before?—Up to 1853 there was only one licence for all kinds, and the word 'grocer' was unknown.

2832. In 1854, which is the period you mention, there were 326 spirit-dealers and grocers, and 558 publichouse or innkeepers; but in 1876 there are 485 grocers, while there 394 innkeepers and public-houses. What I want to put to you is, if the connection is of such long standing, how is it that it has taken so great a development of late?—As I have said, up till 1853 we have no knowledge as to the two classes. The trade was divided in fact, but not in law. After 1853, when the magistrates had to grant different classes of licences, they had naturally, and I think properly considered that a grocer's licence was very much less likely to do harm to the population than a publican's licence, and so they rather discouraged the granting of publican's licences, and they have given in preference the licence to grocers.

65. ROBERT DUNDAS, Esq. of Arniston, examined. EDINBURGH.

2833. *The Chairman*.—You are convener of the county of Edinburgh?—Yes, and usually chairman of the Justices at their Licensing Sessions.

2834. Have you any statement to make?—I come here independent of trade interests and merely as a county magistrate, and principally with reference to the operation of the grocers' licences in the rural districts. The point has been already urged before you as to whether spirits under grocers' licenses should be sold in sealed bottles. I have a very strong opinion that they ought, and that is one of the principal reasons I have come to-day. Further, I think no spirits should be kept in the shop during business hours except in sealed bottles; that all casks, jars, or other vessels for containing spirits, should be kept in a storeroom inaccessible to the public. I am also in favour of small sealed bottles being sold. I am against the public being restricted to quart bottles or any large measure, because I believe a decent working man is as good a judge as we are of the quantity which he desires to buy at a time. The principal reason of my coming to-day is to urge that change on the grocers' licences. I ought also to say that in my neighbourhood the licensed grocers are a most respectable body of men, and I am not aware of the slightest impropriety going on in regard to their business; in fact, the monopoly which they have is so lucrative that he would be a very foolish man indeed who would risk the loss of his licence by contravening it. Therefore we have the strongest security for good behaviour on the part of the grocers.

2835. Are you generally in favour of the system of grocers' licences?—Yes, strongly, because in the rural districts I think the only way in which publichouses can be kept within bounds as to number, is by having an adequate number of shops with grocers' licences. I much prefer them to publichouses.

2836. In some places they are objected to as leading to women drinking, who would not do so otherwise?—I don't think that is the case, and I think if the system of sealed bottles were strictly carried out, that would be very much put an end to.

2837. Would there be any difficulty in the women sending for the sealed bottle to the grocer's?—No. Once it reaches the house you can do nothing. One great objection to grocers' licences is, that grocers are in the habit of selling from open casks in the shop, and of giving women a glass into the bargain, or a treat, which by enforcing sale in sealed bottles would be put an end to.

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2838. The grocers object strongly to this provision, because they say it would be very troublesome. Men doing a very large business in small quantities say it would be very troublesome, and moreover, that the poor people often bring their own bottles?—I would not listen to that objection. The grocers have a very great advantage given them by having the licence, and they are bound to take whatever trouble the police regulations may involve. As to the poor people bringing their own bottles, the price of a small bottle is so very trifling that I don't think that is any obstacle to the system being carried out.

2839. For that matter they could get the bottles back?—Perfectly.

2840. *Mr Ferguson*.—We were told that a great many people will not take a bottle that has been filled, unless they see it filled before their eyes, and that even customers of the shop for years will not accept filled bottles, but bring their own bottles and see them filled. How would you do with such cases?—If it were made the law that sealed bottles should be obligatory, I think the public would very soon take them; and if they did not take them, I would let them go without.

2841. *The Chairman*.—You say that in your judgment the grocers in your neighbourhood are respectable men. I have put this to several witnesses who have made the same statement, and they have stated that all the respectable grocers in their town have licences almost without exception. Now, is there not this difficulty that when a man applies for a licence, you feel that the number of licensed houses is already sufficient, but unless that man gets a licence it will injure him in his grocery business?—That is one of the most difficult points in the whole liquor traffic,—whether there is to be a restricted system of grocers' licences, or whether any respectable man opening a large shop and meaning to carry on a good business, should not have a licence as a matter of right. That is a matter for the consideration of Parliament. It is a most difficult question, and I was going to bring it under your notice further on, because in country villages, where there is only one shop, and that shop is a licensed shop, the monopoly of the sale of spirits unfortunately, practically carries with it a monopoly of the sale of groceries also. Frequently, as a magistrate, people intending to open a shop in a village where there is only one shop, and which they think is badly conducted, or where there has been an increase of population, desire to open a second; and they come to see me, saying that they think of opening a grocer's shop in the village, and ask if there is any chance of their getting a licence. I look up the number of licensed grocers in the village, and say, You may take your shop and make the application, but I don't think the justices are likely to give the licence. In nine cases out of ten the applicant is satisfied with that, and does not go further. In that way, where there is the single shop with the single licence, the result is that the second shop for groceries cannot be opened. In fact, the monopoly of spirits carries the monopoly of groceries with it in small villages; and where there is one single shop it is very difficult to open a second shop without a licence, and that gives the monopoly, not only of whisky but of groceries, to the shop possessing the licence.

2842. And anyhow you are placed in the difficulty of giving another licence where you don't want it, or of spoiling a man's ordinary business?—Yes, that is one of the great difficulties that I have often thought over.

2843. That is incidental to the union of the two trades?—Yes, liquor and groceries. But in the country you cannot separate the two. It is impossible to have two shops, one for liquor and the other for groceries. In small country districts the one shop is the store for the neighbourhood.

2844. *Mr Campbell Swinton*.—That impossibility is increased by the fact of the publichouses being so much diminished in number?—Perfectly. Sometimes too, where publichouses have been diminished in number, charges are brought against the grocers for the

way in which they carry on their business, sometimes unfairly. I have heard complaints made that men have been seen drinking under a hedge a few yards from a perfectly well-conducted grocer's shop. Now that may be perfectly true. A few years ago there were two publichouses in my neighbourhood; the justices took away the two publichouse licences, and gave a grocer's instead of a publichouse licence in one of them, leaving only a grocer's licence in place of two publichouse licences. The result was the drinking at the hedge side. But that is not the fault of the grocer, but the fault of the justices, who reduced the number of publichouses in that locality unduly. I believe that many of my friends who complain of seeing people drinking at the hedge side would like to see the grocer's licence taken away also. But that would be a further mistake, because it would drive people to shebeens and illicit modes of obtaining drink.

2845. *The Chairman*.—After all, there is no greater sin in drinking whisky under a hedge than in drinking it in a publichouse?—None whatever.

2846. It is like a shooting luncheon?—An *al fresco* luncheon. The principal point I came here about was sealed bottles. So far as my experience goes, that is the only change I should like to see with reference to grocers' licences that I feel safe about.

2847. *Mr Ferguson*.—Would it not suit the purpose if bottles were corked and not sealed?—No. It would give very little trouble to seal them, and it makes the thing complete.

2848. Some people tell us that they get their corks stamped with their names. Would that not be equally good?—It might be, but I would rather have them sealed.

2849. They object to the trouble?—Whatever trouble is right and reasonable, considering the advantages they have, the grocers should be prepared to take.

2850. *The Chairman*.—You think there is no adequate security for the law being observed without the corks being sealed?—I think not. The sealed bottles of the sizes that may be thought desirable in the shop, and no spirits under any pretence in casks or jars.

2851. *Mr Campbell Swinton*.—It has been represented to us that if a grocer has only one assistant, it is impossible for him to be going constantly to the cellar to fill the bottles?—I see no difficulty about that. If he has a good trade, that could easily be arranged.

2852. He might fill the bottles the day before?—Or the night before, after business hours. According to a man's sale, he must provide the number of bottles he is likely to require.

2853. Another witness said it was impossible, owing to the variety of different kinds of whisky?—If a man's trade is so good as that, he can easily find space for holding his different kind of bottles.

2854. I think you said it is not uncommon in your Court for a man to apply for a publichouse licence, and for the Justices to say, No, but we will give you a grocer's licence?—That is not uncommon. I think the only way in which the evils of publichouses could be met in the country districts is by an adequate number of well-conducted grocers' shops, coupled with there being no drink in open vessels in the shop.

2855. *Mr Ferguson*.—It is stated that the effect of that custom of the magistrates, in sending people who apply for publichouse certificates into a grocer's business, who are not trained to that business, is simply to make them take the grocer's licence as a cover for the sale of spirits?—I have not found that. It may be the case in towns, applying it to shops which get on by selling drink and no groceries; but in the villages round me that is not the case. They are really and substantially grocers' shops, as well as licensed shops.

2856. *The Chairman*.—You would recommend this condition about the sealing of bottles for town as well as country?—Yes, I think so; but I speak less positively about the towns, because my knowledge as to them is less. But I have no doubt about country grocers' shops.

2857. Some town grocers say that the evasion is more difficult, the custom is more regular, and the

number of small customers is so excessive, that it could only be met by their bringing their own bottles, and getting them filled?—I don't think so. I think the business would be quicker done if, when each customer comes and asks for a bottle of whisky of any particular size, it is ready sealed on the rack.

2858. *Mr Campbell Swinton*.—And there would be no difficulty in his leaving an empty bottle, and getting away a full one?—No.

2859. What do you say to the proposal that nobody should get a licence as a licensed grocer, unless he had served an apprenticeship to the trade?—I would not have any restriction of that sort. The risk of loss is quite enough to prevent a man going into a trade that he does not understand.

66. Mr ALEXANDER EDWARD MACRAE, M.D., Penicuik, examined.

2860. *The Chairman*.—You have been for some years practising in Penicuik?—Yes.

2861. And you attend the workpeople, particularly at Messrs Cowan's mills?—I attend the work people at four or five of the paper mills on the Esk, the Shotts Iron Company's people, and the men presently employed on the Edinburgh Water Works.

2862. What have you to say as regards the subject of this inquiry as to grocers' licences?—Any statements I have to make are of a very general nature, because I have not gone into the subject very particularly; but I have observed from time to time the influence of the traffic from my own point of view. I may mention that about a fortnight ago the protest of the medical men was handed to me for signature, but I declined to sign it, on the ground that the allegations they make are not at all within my knowledge, so far as regards the district in which I live. I do not think that drinking in grocers' shops is beyond police supervision. In fact, in one or two cases—not in Penicuik, but in Aberdeen, where I was a student—I have seen police supervision exercised in the case of grocers giving drink in their shops to people, to be consumed on the premises. Therefore, the drinking in grocers' shops is not beyond police supervision. The police can exercise supervision if they care to do so. Nor do I think that the buying of drink from grocers is at all conducive to secret drinking. I cannot call to remembrance a single case within my practice where people indulged in drink who would not otherwise have got the drink from some other place. I do meet with cases occasionally; but I think that this secret drinking on the part of women is not at all to be attributed to their ability to get drink from the grocers, nor do I think that such a thing exists. I have made pretty extensive inquiries within the last few days as to whether drink is given by grocers to working men's wives and is marked down as goods. Such a thing is not known to exist in Penicuik, nor is secret drinking in the back shops. The class of tradesmen in Penicuik are quite above that style of doing business. The trade in small supplies—gills and half gills—is considerable, and I believe it is entirely to accommodate the people's necessity that it does exist. We still have merchants who sell from half a gill up to a bottle at a time, and they could not by any possibility seal the bottles. It is a rare thing—and I have never found a case—for a child who has been sent for spirits to a grocers' shop to make use of the spirits.

2863. Then it is evident that the sealing of bottles is not wanted in Penicuik, though it may be wanted in some other places?—That is so. Of course I am speaking only of Penicuik.

2864. *Mr Campbell Swinton*.—Why is it an impossibility to seal the bottles?—I think, from the amount of trade they go through in a day, that the grocers could not take time to seal bottles containing gills and half gills; and unless you were to hermetically seal them,—that is to say, unless the sealing or rosin

put on were to extend below the mouth of the bottle,—there would be no use to seal them, because the child could withdraw the cork, and still the seal would be unbroken.

2865. *Mr Ferguson*.—In ordinary sealing the seal is put on the top of the cork?—Yes, and unless both the cork and part of the glass were to be enveloped by the seal, the seal would be of no use. In the district of Penicuik, including the burgh and parish, the adjoining parish of Glencross, and part of various other parishes adjoining, we have a population of 6500 or thereby. In this district we have 18 licensed houses, giving a licensed house to every 361 inhabitants. In the burgh there are one hotel, 3 publichouses, and 5 licensed grocers; in the parish beyond the burgh there are 2 hotels, 1 publichouse, and 1 licensed grocer; and in the parish of Glencross, which is practically part of the district of Penicuik, for the people go there for their goods, there are 4 publichouses and 1 licensed grocer; altogether, 18, making 1 licensed house for every 361 inhabitants. In that number of licensed houses I have known only one instance in 5½ years of people having drink over the counter. It occurred three or four months ago, when I saw some workmen in a place drinking beer over the counter; and in that case I should mention that the occupant of the premises was under observation as a lunatic. Reading over some of the evidence of the chief constables, I would say that the evidence they give would be of value in this inquiry, were they able to say whether the persons apprehended as drunk and incapable, had got their liquor from publicans or from grocers. Then, with regard to hawking, there is a good deal of hawking in the country districts, and that hawking is carried on principally by parties with vans coming from Edinburgh.

2866. *Mr Campbell Swinton*.—By hawking, what do you mean?—Vans coming out to the country selling spirits without having previous orders. I have also known unlicensed grocers hawking spirits in their vans, and I know that at the waterworks near Moorfoot unlicensed grocers have come regularly week after week—I have seen them myself—and supplied the people with whisky of a very inferior quality. I know of one case which formed the subject of a *post mortem* investigation before Dr Littlejohn not long ago. It was the case of a woman who was supplied by one of those merchants with this deleterious spirit, and the consequence was that she drank herself to death. That is not a solitary instance, for I could quote many more where bad liquor was supplied from those carts with serious consequences.

2867. In the case of the woman, was the liquor so bad that it immediately proved fatal?—It was not immediately fatal, but it very soon killed her. The case was reported by me as a case of acute lunacy, but the parish authorities would not take it up, because they considered it a case of drunkenness. It was actually a case of lunacy. The drinking brought on heart disease.

2868. Do you mean by the badness of the liquor?—Yes; and very frequently men go wrong from drinking those spirits.

2869. *Sheriff Crichton*.—You say that unlicensed grocers go about hawking spirits. Do the police know that?—The police authorities were informed, but for some reason or other they would take no notice of it.

2870. You do not know the reason why it was not taken up?—No, I do not. I reported also to the manager of the works that such a thing was going on, and he threatened the hawker that if he did not cease selling drink he would stop him from coming to the place with provisions. That had a salutary effect for a week or two, but it began again.

2871. Did the manager speak to the police about it?—I do not know; he spoke to the grocer.

2872. *Mr Ferguson*.—You spoke of those liquors having a bad effect; what was it?—In four or five cases within the last few years men have been found dead in the morning in consequence of great libations of spirits.

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2873. *The Chairman*.—Then your opinion is generally that the sale of such quantities as people require by respectable grocers in the district is conducive to good order, and to the comfort of the people?—I think that the sale of spirits to people by grocers as part of their daily food is more conducive at least to health than drinking in publichouses is. It is the general impression—I would not like to speak from my own experience, because I have no experience of drinking in public houses—that when people go and buy whatever quantity they want in a decent grocer's shop, they get a more wholesome liquor than they get in the public-house; and from the evidence I see as to people who get drunk in public houses, I think there is a great deal of truth in that assertion.

2874. *Sheriff Crichton*.—Do you mean they get drunk faster in publichouses?—No; I mean that the drink they get from grocers is not apt to do them so much harm as the drink they get in the publichouse. We very seldom see any cases of acute alcoholism from drinking at home; it is mostly from publichouse drinking.

2875. *Mr M'Lagan*.—Is that owing to the whisky that is sold in the publichouse being newer?—Partly because it is new, and partly because it is of inferior quality.

2876. Adulterated?—Yes.

2877. With what?—With methylated spirit.

2878. Not with fusel oil?—They would not adulterate it with fusel oil; but that is in it when they get it, being new.

2879. The liquor sold by grocers which produces those maddening effects would contain a good deal of that substance?—Yes, it would; but I do not think that grocers as a rule would sell that kind of spirits. One of the witnesses, I think, said yesterday that in his experience private drinking was increasing amongst the upper classes. I do not think so. I have a good opportunity of observing the habits of the upper and middle classes in my district, as I have them amongst my patients, and I think it is the reverse,—that, so far as my experience goes, drinking is not increasing amongst those classes. I am aware that within the last two or three years, owing to the high wages, there has been a good deal of drinking amongst the working classes, but, I should say, not amongst the operative papermakers. I do not think it has increased with them. They are a steady, settled class of men; but with regard to the other workers, I think drinking has increased,—so much so that they frequently leave their work during working hours and go to the publichouse to get drink. It is very common; and many cases have occurred within my knowledge lately where men have flung down their tools, gone away to get drink, and come back again in such a state that their employers would not allow them to resume work. The sale of wine has also very much increased in Penicuik.

2880. *The Chairman*.—Then are spirits becoming an article of common diet amongst the better class of workmen in your neighbourhood?—I should not say so. I do not think that the use of spirits as an article of diet is so common amongst the working classes in the Lowlands as it is amongst all classes in the Highlands.

2881. When I say 'diet' I mean as opposed to dramming. I rather gather from your evidence and the notes you have given in to us, that you consider that the sale by grocers in small quantities enables working men to have such spirits as they require in a more wholesome manner than if they went and tossed it off in the publichouse; and I understand you to say that you think it better for the working men, physiologically and morally, that they should be encouraged to take drink at home, if possible, along with their food?—I would not say 'encouraged to drink,'—I would say, if they are to drink let them drink at home in preference to the publichouse. I would place no encouragement in their way; let them please themselves.

2882. It is desirable we should know how far this matter concerns the daily habits of any class, and we

should like to know whether, in your observation, it has become the practice to use spirits as an article of diet?—I do not think it has.

2883. *Mr M'Lagan*.—Do you prescribe spirits sometimes?—Very seldom. I have to prescribe spirits occasionally, and I think it would be a very great hardship if poor people, who perhaps required only three or four teaspoonfuls of spirits in the course of a few hours for a sick child or a child in a state of exhaustion, should have to go and buy a whole bottle. They could not afford it. Generally I agree with Mr Livingston and Mr Dundas that the hours should be shortened, especially the hours for taverns. I think that the shutting of taverns at eleven o'clock is very hurtful. I think they should be shut at eight or nine o'clock. There is no necessity, at least in a country town, why publichouses should be open after eight or nine o'clock. It only encourages drinking amongst working men. In former times, when markets were held in country villages, they were sometimes protracted from hour to hour, and hence the necessity for men staying till night; but now they are all over by three or four in the afternoon, and any drinking after that is only by roughs going about, or by working men coming in to spend the fair day. There is no necessity for it.

2884. *Mr Ferguson*.—Have you thought of any hour you would limit them to?—I think nine o'clock is quite long enough in a country town for them to be open to.

2885. *Mr M'Lagan*.—Do you think it would not be as advantageous and convenient for the public that the sale of groceries and the sale of drink should be separate?—I do not think it would be so advantageous for the public to have to go first to one house for their groceries and then to another for their liquors.

2886.—That is, supposing they take liquor every day?—Or occasionally. I do not think the working classes generally take in a stock of liquors regularly once a week.

2887. *The Chairman*.—What I want to know is this, is it customary for working men on good wages to have some whisky and water with their dinner?—No, it is not customary. They may have it on a Sunday or if friends are with them, but not as a custom.

2888. *Mr M'Lagan*.—Or on pay days?—On pay days there is a little licence. In well-conducted working men's houses they have no such thing as a little liquor on pay night at home. If friends come about, such a thing may be produced, but not otherwise.

2889. *The Chairman*.—Some of the witnesses have said that the publican should not be allowed to sell any whisky to be consumed off the premises: what do you say as to that?—I cannot say very much upon that. There are some places—I know of one village in particular—where there are two or three very respectable unlicensed grocers and one hotel. That hotel is the only place within two or three miles where people can get spirits, and it would be a very great hardship if in that place people could not get half a gill of brandy or whisky when they wanted it. Such places are not uncommon.

67. Mr JAMES GRANT, Superintendent
of Police, Leith,
68. BAILIE PENTLAND, Leith, } examined.

2890. *The Chairman*.—Mr Grant, can you state to us the present population of Leith?—*Mr Grant*.—About 52,000. In addition to the ordinary inhabitants, we have a great many strangers just now, and have had for the past few years, engaged at the new docks, at Newhaven harbour works, and at some railway works at North Leith.

2891. *Mr Ferguson*.—Are those not included in the 52,000?—They are not.

2892. *The Chairman*.—Will you tell us what is the

number of licensed houses in Leith, distinguishing the kinds?—Last year there were 9 hotels, 134 public-houses, and 166 grocers; but from the grocers we may fairly deduct between 30 and 40 wholesale dealers who have retail licences.

2893. Why do you deduct them?—Because they carry on a different trade from the ordinary grocers.

2894. Would they refuse to sell a gill of spirits?—I believe they would. They would sell a bottle or half a dozen.

2895. They would sell a bottle?—Yes.

2896. Then I do not see why you should deduct them?—Because they are not usually classed amongst the grocers. We call them dealers.

2897. But they have retail licences?—Yes, they have.

2898. However, is it not the case that some of the great wine merchants of Leith have grocers' licences?—They have dealers' licences. There is the same class of certificates for grocers and dealers, but strictly speaking they are called dealers.

2899. Would they be included amongst those you desire to except?—Yes.

2900. Then the distinction is obvious. I refer to houses such as Cockburn and Campbell, and others—they would not sell gills?—That is so.

2901. *Mr Campbell Swinton*.—Do those people whom you call dealers get a certificate from the magistrates?—They are wholesale dealers, but they hold retail licences. The certificate from the magistrates enables the holder to sell a bottle. I was speaking of the year 1876, when there were 9 hotels, 134 public-houses, and 166 grocers and dealers.

2902. *The Chairman*.—We shall ask you to give us those figures in a certain return, to get them in form; but perhaps you will tell us how the numbers stand by comparison with other periods, say five or ten years ago?—*Bailie Pentland*.—Perhaps this document which I have prepared, and now hand in, will give you the desired information. I have taken it back for the last eight or ten years, and it is certified by the Town-Clerk.

2903. I see that in 1869 the population was 42,603, and the net total certificates 229; 1873, population 47,399, net total certificates 263; 1877, population 52,557, net total certificates 269,—that is to say, deducting forty dealers. Then, the result of this is that the number of licences has increased by about thirty in ten years?—*Mr Grant*.—Yes.

2904. And of those I see that the number of public houses has increased from 120 to 134, and of grocers from 140 to 166?—That is so.

2905. Will you tell us what have been the convictions obtained against the keepers of licensed houses?—The average number of convictions every year for the last ten years, has been 1 against hotels, 5½ against publichouses, the same against grocers, and 14 against shebeen keepers. Last year the convictions were—against hotels 1, publichouses 10, grocers 3, shebeen keepers 13.

2906. There have been very few convictions against grocers?—Very few.

2907. Is it your belief that irrespective of the number of convictions obtained, the grocer's houses are conducted generally according to law?—I have no doubt there are a few who violate the law, but the law breakers are chiefly amongst the lower class of grocers.

2908. Are many of those grocers' houses of a very small rental?—I am not prepared to state the number, but I should say about one-fourth of the entire number we have in Leith. We have a good many under £20 or £25 rental. I have not looked up the figures to ascertain, but so far as my recollection goes that will be about the mark.

2909. Excepting the very smallest class of houses, do you think that the law is generally observed with respect to not selling for consumption on the premises, and not selling at illegal hours?—I do.

2910. What rule have the magistrates observed with

regard to licences? Do they try to keep them down in number?—It has always been their desire to do so.

2911. Do they prescribe conditions as to the size of the house and otherwise?—All houses, both public-houses and grocers' shops, are inspected by the magistrates before granting a licence.

2912. Do the magistrates discourage the granting of licences to houses of a small class?—Very much; but they are sometimes led from sympathy to give poor people certificates in the hope that they will be enabled to better their condition.

2913. Are licences generally held by the grocers of Leith?—There are a good many who have not licences.

2914. Are some of those shops of a good size?—No; nearly all the respectable grocers have licences.

2915. Have some of those who do not hold them been refused?—Yes.

2916. Have you taken active steps, under the direction of the magistrates, to prevent persons obtaining liquor from grocers and consuming the same on the premises or in the neighbourhood?—As to consumption on the premises, we carry out the law in the best way we can, and everything has been done to discourage grocers from selling liquor on the premises, and allowing their customers to carry it away and consume it at the door or in the neighbourhood.

2917. How do you discourage that?—When we discover that any one is in the practice of doing so, I myself generally warn him that it is against the wish of the magistrates that any such irregularity, or what is looked upon as an irregularity, should be carried on. If he persists in it, I bring the case before the magistrates, and on the party being remonstrated with he generally ceases it.

2918. For fear of losing his licence?—Yes.

2919. But can the grocer control his customers so far as to prevent them drinking the liquor before going far from the door?—If a grocer gives spirits in a bottle perhaps he cannot, but in some cases we have known him giving it in a tumbler and the parties taking it out.

2920. That would show he knew it was going to be drunk out of doors?—Yes; we have had very few cases indeed of that kind of late.

2921. *Mr M'Lagan*.—Did the tumbler belong to the grocer or to the purchaser?—To the grocer.

2922.—*The Chairman*.—Have you anything further to say on the subject?—There is one matter I would wish to call attention to. Since coming into this room I have heard the question asked as to where the drink was generally obtained,—whether from grocers or from publichouse keepers. On the 8th of last month I got a book prepared, and instructed my officers to ascertain from the persons taken to the office in a state of intoxication where they had got the drink that had intoxicated them. That was commenced on the 8th of September. From that time down to this date there were 175 males and 67 females apprehended in a state of drunkenness, and of that number only nine—three men and six women—admitted having got the drink from or in grocers' shops. With respect to grocers treating the police, that has not come under my notice in a special way. In fact, I may say it was only last week that I heard for the first time there was such a practice as that of grocers being accustomed to treat police-officers. There may be such cases,—one or two exceptional cases,—but that it is anything like the practice I do not believe,—not in Leith, at all events. There are several other matters of which I have taken a jotting here. It may be the case that some small grocers give whisky to married women and servant girls to induce them to come to their shops, but I believe there are very few in the trade who would stoop to such a low expedient to secure customers. Evil may arise from a glass or two of spirits being carried home for consumption, but I fear far greater evil results would follow the taking home of full bottles of strong drink. I also fear that to allow women and girls to go to the public-house for drink, unless they could enter and depart by another door than that by which the ordinary customers

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EDINBURGH. obtain admission, would be attended with evil consequences. I have seen in London women procuring the family beer in public-houses, and at the same time drinking gin at the counter.

James Grant;
Baillie
Pentland.

2923. Yes, but you do not mean to convey to us that you think it a very common custom for women or other messengers going for beer for the family use to couple with that the drinking of gin in the public-house?—I am afraid that in too many cases it is so.

2924. Do you know anything about it?—I come to that conclusion.

2925. On what grounds?—I have given an instance of what I have seen in London, in more than one place.

2926. Do you really mean to tell us, on your responsibility as superintendent of police in Leith, that you believe it is a common practice for people sent on an errand for beer in London to drink gin before taking the beer home?—I have been in London, and I made it my business to go into houses to see how the trade was conducted; and I have seen it in a dozen cases.

2927. Of course they drink gin there; but surely you do not mean to tell us that you think the event is of every day occurrence. You know that in London generally the people get their beer for dinner from the publichouse, but it is not the general custom that a glass of gin goes along with it?—I fear it is too often the case.

2928. It is not consistent with the knowledge of anybody who lives in London?—I make the statement from actual observation.

2929. *Mr M'Lagan.*—Of a dozen cases only?—I cannot say how many do it,—perhaps one out of 20. I have further to say, that if grocers are to be prohibited from selling spirits, I think another class of houses should be opened for the sale of drink not to be consumed on the premises.

2930. Would you consider it an evil if there was a specific kind of house for the sale of liquor not to be consumed on the premises?—What I am anxious about is that women and girls should not be allowed to go to publichouses to buy drink.

2931. I quite understand that; but supposing the liquor trade and the provision trade to be separated, you would not consider it a demoralising thing that there should be houses where liquor could be obtained as it is now obtained from the grocers?—No; that is what I am aiming at. I propose that if grocers are still to be permitted to sell spirits, they should not be allowed to keep open premises except within the hours when they can legally sell spirits. I submit that a person should not be allowed to keep a shop under a certain rental, or, if that cannot be carried out, that the licences should be raised. I also beg to suggest that a change should be made in the mode of granting transfers. Frequent changes take place, and I do not think it is for the good of the public that they do take place.

2932. *Sheriff Crichton.*—Would you suggest any further police supervision?—It might be well if we had exactly the same control over grocers as we have over publichouse-keepers and hotel-keepers.

2933. Do your constables report to you all persons seen coming intoxicated out of licensed premises?—When they see them come frequently out, they do.

2934. Then that provision of the statute is not strictly enforced?—We generally act in this way, that when we have reason to believe that a man does supply drink to intoxicated people, we watch the premises specially till we can get a conviction against him.

2935. But the Act requires that you should keep a note of the number of people coming out of a licensed house intoxicated. Do the police attend to that, especially in the case of grocers?—They are instructed to report when they see people frequently coming out. The word in the Act is 'frequently.'

2936. *Mr Ferguson.*—I think you said that when you became aware of breaches of the law, you first

warned the offender, and then, if he did not attend to your warning, you brought him before the magistrates?—I did not mean to say it was a breach of the law. It could scarcely be called a breach of the law, but we looked upon it as an irregularity.

2937. What do you call an irregularity?—I do not think it is according to good order that grocers should sell drink in open vessels, and allow their customers to go to the door and drink it.

2938. *The Chairman.*—That is a gross evasion of the law.—Yes.

2939. Do you think that when creditors are allowed to take possession of a shop and hand over the business to the highest bidder, it prevents the magistrates having a proper control over the licence-holder?—I would put a stop to that. I would allow no creditor to take possession of a business, and obtain for a trustee or any interested party, other than a near relative, a transfer of the certificate. I would do everything to discourage the buying and selling of publichouse and grocers' licences.

2940. *Baillie Pentland,* you have been a magistrate in Leith for ten years?—*Baillie Pentland.*—Yes.

2941. What is your profession?—I am a cooper and stave merchant.

2942. Do you employ a number of men?—Yes, never less than from fifty to eighty hands.

2943. Are you in favour of the present law as regards licensed grocers?—Yes, I am.

2944. Do you attach any particular advantage to the sale of liquor being conjoined with the sale of provisions?—I am of opinion that the trades should not be separated. The licensed grocers, I think, should supply the liquor required for domestic use. I would much rather see people getting their supplies there than going to the publichouses.

2945. But suppose there was a licensed spirit dealer who was not a grocer, his would be as satisfactory a shop to go to?—No doubt.

2946. Do you think there is any disadvantage, as compared with the pure spirit dealer, in having liquor selling combined with the grocery trade?—I think there is a great disadvantage to females who require liquor for domestic use to be compelled to go to another shop to get that supply.

2947. You think it is a great advantage to them to have to go to only one shop?—Yes. I think that to deprive the grocers of their licences, or to restrict them as regards quantity, would not conduce to public morality. From my past experience I find that the magistrates of Leith have been accustomed to refuse transfers for premises which have been licensed for a great many years, if they are not suitable, in their opinion, owing to the want of proper accommodation. That applies, of course, to both publichouses and grocer's shops. There are many shops in the town which have held a licence for a great many years, and the magistrates do not care to interfere with them so long as the tenant remains, but the moment there is a transfer they refuse to renew the licence; and there are several publichouses and small grocers' shops in the heart of the town which have consequently been closed. I do not think we could very easily have a uniform high rent for our shops, because of course the rents vary in different parts of Scotland, and in different towns, and likewise in different parts of the same towns, but I would heartily approve of the idea that we should have, perhaps, a certain amount of cubic feet of space for a shop, but even then we could not fix it at a proper price, because the value of property in different localities varies so much.

2948. Do you think it would be a good plan that an Act of Parliament should enact that licensed houses should be of a somewhat superior class, leaving it to the magistrates to fix the limit?—The magistrates look in the first place always to the character of the individual, and if he has been bred to the trade. If we are satisfied with his character we always make a point of going and inspecting the premises; and on many occasions, although the man was a suitable party, the house was not considered suitable, and consequently the

licence was refused. In the same way it might be that the shop was a good shop, but the applicant was not suitable, and therefore we refused the licence.

2949. But supposing all things are suitable, do the magistrates generally give the licence?—If they consider that the wants of the locality require the licence.

2950. But practically, Mr Grant told us nearly every respectable house in Leith had a licence?—There are a great many provision shops and grocers' shops which have no licence,—a great many small grocers.

2951. But are there any grocers' shops of good size which have not the licence?—Yes. There is one I know that does a very large business—Messrs Braidwood & Fowler. They have been in business a great many years, and have as extensive a trade as is done in any retail establishment in the town. They have never asked for a licence.

2952. That is a very strong house, and can afford to do without it?—I suppose so. They have never applied for it. I understand that at one time Mr Braidwood held a licence, but gave it up twenty years ago.

2953. What I mean is this, that it seems to me the magistrates are in this difficulty, that if a respectable grocer applies for a licence, everything being suitable about him, they may say, 'If we refuse this licence we may hurt him, because his neighbour who has a licence may get more business,' and they feel bound to give the licence to a man in every way suitable for it?—No, if we do not think it is necessary that the shop should be there for the requirements of the locality.

2954. Well, again, on account of the list being full, a new grocer can hardly set up business in a street because he would be over-weighted by his neighbours having a licence?—As a rule, if a good man applies for a licence for a good shop in a neighbourhood where we think it is necessary to have another licensed grocer, we by all means give it.

2955. You no doubt exercise your discretion as to the number of licences to be given, but it is no concern of yours how many people should sell tea, sugar, and other groceries?—No.

2956. But does it not operate to prevent competition in the grocery trade when the licensed dealer has such an advantage?—There are very few grocers—I have mentioned one—having a good business who do not possess the licence. I think that is the only instance, except some small shops with rentals of £10 or £12, to which we have refused licences.

2957. Does not that show one of two things—either that you give a licence to every respectable house, or that nobody else sets up a grocery business because it would not pay without the licence?—I do not know whether it pays or not. There have been very few large grocers who have not had a licence—very few indeed. I may say that, as a rule, we seldom grant licences except to persons who have been bred to the trade; and any other principle, in my opinion, would be wrong, because it would enable men who did not know the trade to depend too much on the sale of liquor. I am not aware that police constables are harboured or treated by grocers or publichouse keepers in Leith, and I do not believe they are to any extent. If they were it would soon be known. Neither do I think it is the practice for grocers to treat servants and working-men's wives with liquor, and I am convinced that none of those whom I know would be guilty of such an offence.

2958. To what are you referring?—To some evidence which I saw led a few days ago which stated that working men's wives were treated to drink when they went into grocers' shops. That is the reason I have taken notice of it. I never in my life saw any liquor carried in an open vessel, and it certainly must be the exception to do so. If possible, it would be well that such a thing should be made a breach of certificate. Some people say that if the grocer were deprived of his licence, women would not go to the publichouse for liquor. I am of a different opinion, because I think that women who will have liquor, if they find that the legislature withdraws the licence from the grocer from

whom they used to get it, and legalises publichouses to which anyone can go, will soon get the better of that, and go to the publichouse. Then it is said that there is a good deal of consumption on the premises of grocers. That must be, I think, to a very trifling extent in Leith, because I believe that the laws are well enforced by our superintendent and the officers under him, and the magistrates of Leith have for many years back done away with all back doors, with one or two exceptions, and we never allow the parties to live on the premises. There are one or two exceptions in the case of old houses that have been in existence for twenty or thirty years. I think there are two which have been held by the same families, and we feel to make any alteration. If there was any transfer or change of tenancy, things would not be allowed to go on in their present condition, but we feel to make the old people remove; and I think those are the only exceptions.

2959. *Mr Campbell Swinton*.—You don't allow even grocers to live on the premises?—We do not. The majority of the magistrates of Leith—indeed, three or four of them—are not in favour of any restriction being put on the quantity of spirits to be sold by grocers. I may state, that I read over the whole of what I meant to submit to you to-day, in the presence of my three colleagues (Provost Henderson was not there), and they authorised me to state that they concur generally in all that I have expressed. Our town-clerk, who has been in office for forty years, also gave me permission to state that he is of the same opinion,—that the grocery business should be continued as it is, and that grocers should be allowed to sell liquor in any quantity. With regard to the working men, I made sure of my own men. Last year I understood from my foreman, that they had signed a petition in favour of the grocers, and against the bill then before Parliament. A few days ago, I went to my men and asked if they were still of the same opinion, and whether they wished the grocers' business to continue, and without a single exception, they said that they would much rather get their liquor supply from the grocer than be compelled to go the publichouse for it.

2960. You lay great stress, of course, on keeping the trade in respectable hands?—No doubt, and I think we should have the same supervision over grocers which the police exercise over publicans. I also think it would be of great advantage to shorten the hours in the evening.

2961. *The Chairman*.—The magistrates are not quite unanimous on the point of restriction?—There are only five magistrates, including the provost. Four of us met yesterday, and at least two of them, Bailie Powrie and Bailie Mackintosh, expressed themselves generally in favour of the remarks I had to make. Bailie Wilkie stated that he was also in favour of them, but if there was to be any alteration of the law he would rather have a pint than a quart; I mention this because I see by the evidence which our chief magistrate gave the other day that he said we were generally of the same opinion, and at the last meeting we had we mentioned the matter to him, and he admitted that he was under a wrong impression. I would like to call your attention to the return which I have handed in. You will see that it is not within the last two years only that the magistrates have been trying to cut down the licences, but since I have been a magistrate—for eight or ten years—it has been our endeavour to keep the trade in the hands of first-class people. You see that in 1877, the percentage of licensed houses to the inhabitants is smaller than it was in 1867.

2962. It appears that in 1869 the ratio was one house to every 186 of the population, while now it is one to every 195?—Yes. Independently of the ordinary inhabitants we have a floating population brought in by the many ships which come into the port.

EDINBURGH.

James Grant;
Bailie
Pentland.

EDINBURGH.

James
Salmond.

JAMES SALMOND (7) recalled.

2963. *The Chairman*.—You are aware that some of the statements which you made before the Commission the other day have been called in question?—Yes.

2964. Do you wish, in the first place, to offer any particulars in support of what you then stated?—I can make an explanation of it if I am permitted to do so. I wish to state that in giving my evidence the other day, I was labouring under the most implicit belief that all the entries I copied from my note-books referred to drink consumed on grocers' premises, without taxing my memory. I supposed that as my business lay almost altogether in grocers' shops, the violations were committed altogether by them; since I made my statements I have had time and occasion to find that I have wronged the licensed grocers to some extent during the earlier part of my experience, and I think in some cases a little in the later. It is now more than six years since I began to take these notes,—my object was to keep a correct note of 'every breach of certificate.' I may not have noted every breach I saw, but I am as sure that every one I marked down was *bona fide*. I did not start to obtain evidence against any particular class, and I have no doubt that, for that reason, I have marked often such violations as selling drink to children under age, selling after hours, and to intoxicated persons, and this I have no doubt applies in some measure to the earlier period of my experience. These entries were invariably, so far as I remember, marked opposite or at the end of my day's orders; but there are occasions on which I could only (such is my impression) have seen violations elsewhere than in grocers' shops.

2965. Then you cannot tell now to what extent you feel pretty sure that the 2726 cases of drinking in premises, which you noted in 5372 calls, took place in grocers' shops?—I cannot say definitely, but my visits were mostly to licensed grocers.

2966. How could you have noted down cases of drinking on the premises if they were publichouse offences? You don't speak of cases of breach of the law on various grounds, but only of drinking on the premises?—I made my statements under the belief that they were such cases, because, as I have stated, I called almost altogether upon grocers only.

2967. And somehow or other through all those years, and up to the other day, you thought you had witnessed and recorded duly by note 2726 cases of drinking on the premises illegally, but now in those two or three days it has occurred to you that some of those cases may have occurred in publichouses?—I have had my memory refreshed by conversations with parties who ought to know.

2968. But you cannot tell us now whether you believe that you are to knock off 1000 of those cases, or any particular number?—No, not definitely.

2969. Have you anything further to say except that we must take those figures with a certain amount of reservation?—The attempts that have been made to throw doubt upon the value of some of my evidence I can explain. Mr John Henderson of Penicuik stated the other day that he had called upon the grocers, and that I was very little known there; that I had got no orders from him, or at least very few; and that the only order he gave me was to order me to the door. Now, I handed to you yesterday, in case you might think I had tampered with this reference, the only pages I had left of the note-books which I destroyed. I should explain that this is the remainder of the last note-book employed while I was a traveller. I kept this one because it was not all used up, and here are the pages which I tore out of the front of it, because the remaining clear pages I have been employing in connection with my own business, such as marking down sums paid by customers. Among the last journeys I made, as appears from this note-book, was one to Penicuik, and amongst four or five orders which I got there was this: 'John Henderson, Penicuik, 6 hams; 12 hams to go by van.' I think that is ample demonstration to show either that Mr Henderson must

have made a mistake as to the man or as to the orders he gave him.

2970. But it has been pointed out that in Penicuik there are two grocers of that name, John Henderson and Robert Henderson?—I am not aware that I ever came into contact with Robert Henderson. I have frequently called on the previous tenant of that shop, but since Robert Henderson came to it, I have never been there.

2971. *Sheriff Crichton*.—In whose employment were you then?—In the employment of Pairman Brothers.

2972. When was this order given?—It must have been in 1876, immediately before the New Year of 1877. The date of the order must have been about the 3d or 4th week of November.

2973. *The Chairman*.—You gave us a table of a number of towns and the times you had visited them, in precise detail?—Not all, but certain towns.

2974. We have a letter from a person in whose service you were [as traveller—Mr Carnegie, Perth—who says that you were a traveller for him for nearly three years, and that you must have received your experience, or the most part of it, while in his employment. He goes on to say—'I was startled at the statements and the statistical accounts he gave of the breaches of grocers' certificate, more so knowing that he never visited the number of times he named unless representing myself. My own opinion with regard to this man's evidence has been fully corroborated to-day by a visit to the only two licensed grocers in Pitlochry, viz., Mr Charles Gibson and Mr Henry Ferguson, who authorise me to say that so far as they are concerned, his statement is entirely false.' Now, what do you say about Pitlochry? You stated that you had made there 43 visits and seen 27 breaches of certificate by drinking on the premises in 12 months' time: what do you say to that?—That statement is qualified by the explanation I read. I have no doubt—indeed, I can almost remember several cases where I noted down breaches of certificate by hotel-keepers. My object in taking notes was to note down my experience in breaches of certificate, but not against any particular class.

2975. But you come up here, having carefully prepared your evidence, and you very deliberately make a statement with all possible solemnity to the effect that in this particular instance, in the course of 12 months—so it was not as if the matter were spread over any very long period—you made 43 calls in Pitlochry, and in those 43 calls, clearly upon licensed grocers, you saw 27 cases of drinking on the premises. Now, surely you must either be able to stand to that in some particulars or to withdraw it altogether. You must have spoken with some warrant?—I am speaking with warrant.

2976. In what year was it that you were at Pitlochry?—It would be in the year 1871 or 1870.

2977. What can you stand to of that statement? How many licensed grocers were there in Pitlochry at that time?—At least two.

2978. Do you say that it was in those two houses that those offences took place, or anything like that?—No, I do not say so now. At the time I made that statement I was sure of it.

2979. *Sheriff Crichton*.—Are you sure that any of the offences took place in any of those houses?—I am sure of that.

2980. *The Chairman*.—On the other hand, your evidence was called in question yesterday by witnesses who named several places where you had reported evasions of the law, but where there were no licensed grocers. One was at Dunning. Now, can you stand to the matter as regards having made 21 calls and seen 11 breaches in 12 months?—I can stand to the violations, but I cannot remember in which places the breaches took place.

2981. It is right that it should be known that Mr Murray yesterday put in a telegram, on the authority of the postmaster, stating that there were no licensed grocers in Dunning, and had been none during ten years?—I am not able to stand to the exact number of breaches. I have the utmost faith that there is not one of those entries which I have marked down which

was not a violation of the law, but I have no reason to believe they were all committed in grocers' shops.

2982. Can you say that half of them were, or any number?—I would not like to say.

2983. *Mr Ferguson*.—Were you in the habit of calling upon other parties besides licensed grocers?—I had always occasion in those country places to take my meals in inns.

2984. *Mr M'Lagan*.—Did you call upon unlicensed grocers?—Regularly.

2985. Do you think there were breaches of the law there?—Yes. I can speak of one or two.

2986. *The Chairman*.—The provost of Hawick put in a telegram from a Mr William Morrison, whom he had employed to make inquiries, and he says: 'I called upon many grocers, licensed and unlicensed, but none appear to know anything about Salmond'?—That is not true.

2987. *Mr Campbell Swinton*.—Have you preserved any notes as to your visits to Hawick?—Here is one, the name of which I do not wish to mention. [Witness handed in to the Commissioners the portion of his note-book to which he referred.]

2988. *The Chairman*.—With regard to those names which you do not want printed, were they cases of breach?—There was one.

2989. You told us that you called 180 times in Hawick in 24 months, and saw 41 breaches?—I made 180 calls. I may have gone twice to one shop.

2990. But you probably can remember the names of several houses where you were in the habit of calling?—Yes. There are orders entered from a few there on one journey.

2991. We have information from Blackford to the effect that 'there is no licensed grocer here, nor has there been for twenty years.' You say that you called 19 times and saw 7 breaches in 12 months. What about those cases?—I cannot say. I made 19 calls upon grocers, but whether the breaches were in their shops or not I do not know. I made a point always to change the inn where I took my meals, and there possibly I may have seen the breaches.

2992. The postmaster of Errol writes to us that there are no licensed grocers there. You told us that you called 24 times, and saw 11 breaches in the 12 months. How does that stand?—I marked every violation I saw, but I am not able to distinguish between them. I cannot tell definitely how many occurred in grocers' premises.

2993. *Sheriff Crichton*.—Can you give us any idea what the proportion was?—No, I would not like to say.

2994. You cannot condescend upon the smallest number?—No.

2995. *Mr Campbell Swinton*.—And you cannot tell us whether it is the case that there are no licensed grocers in Errol?—No; it is nearly five years since I called at Errol.

2996. *The Chairman*.—I am requested to ask you whether you will hand to the Commission the name of any licensed grocer in Penicuik in whose shop you saw an evasion of the law. [Witness handed in two names.]

2997. *Mr Campbell Swinton*.—You did not tell us distinctly why Fairman Brothers parted with you?—They professed that I was not doing enough business for them.

69. A. B., Upholsterer's Manager, Edinburgh, examined.

2998. *The Chairman*.—You have come to tell us of your own personal knowledge some of the evil effects of the licensed grocery trade?—Yes.

2999. And you have an objection that your name should go forth to the public?—I have stipulated that my name should not appear in the Blue-book.

3000. Will you tell us what evil effects you have observed arising out of this trade?—What I wanted to

state was that the facilities for supplying drink afforded by the grocer's shop have caused my domestic affairs, through my wife's drunkenness, to get so embarrassed that it will possibly take me two or three years before I am free from debt. My wife died about fifteen months ago. Her drunkenness led to a judicial separation. I regard the grocer's licence as greatly more insidious in its working than the publichouse, inasmuch as the grocer's messenger comes round every morning asking what is wanted for the day. My wife or any other person so situated gives the order, and in giving an order for groceries, not open to suspicion at all, whisky is ordered as well. In my wife's experience it began with ale, and from that it got stronger and stronger till it got to whisky. Another reason why I object to the grocer's licence is that from the facility I spoke of, viz., the messenger coming round, my wife used to stand on the flower plot, and when she dropped a little peace of earth at the feet of the messenger, the signal was quite understood by him, and a quart bottle of whisky came round immediately. That is one of the things I wish to speak of. A great deal of evidence has been given about the working men. Now, I am not a working man in the ordinary sense of the term. My income amounts to hundreds of pounds a year, so that I am not considered an artisan. My position was taken advantage of, because I am well acquainted in the town. The grocer who supplied my wife knew that I was a teetotaller, and that the liquor came in against my convictions, but, teetotaller as I am, if she had kept within bounds I might have winked at the thing, because I think a man should be tender to his wife; but what I object to are the facilities afforded for the supply of liquor in the way which I have mentioned. Now, taking the publichouse, I am not aware that publichouses send out messengers, and I have made a good deal of inquiry on the subject. If it is to be so, I would rather have the publican send out his boy at once. We must admit that drinking is an institution of the country, and is to be dealt with as such. All I wish is that so long as we have drinking we shall have it openly and manly, in the real British style. If we are to have licensed family grocers, let my wife or any other person send openly there. As regards the deleterious influence on the population in sending to the publichouse, I do not think that is at all borne out by evidence, because if the publichouse be such a deteriorating place for women and children to go to, why do we not suppress those pandemoniums? I have a publichouse in my eye at the present moment—Rutherford's—than which there is not a more respectable case of the kind in the world. I should go there if I wanted medicine. Professors of the university and others go there when they want refreshment. The Leith Street and other establishments of the Rutherfords are indisputable in their respectability. If a messenger were to come from a spirit dealer's pure and simple, I could know how to deal with that at once, but in my own case I was about a hundred pounds in debt before I knew anything at all about it. The baker's bill would run for a year or fifteen months. They knew I was thoroughly responsible for 20s. in the pound; and, when they presented their book to me and said they would like to have the account settled if it was convenient for me to pay, I have been quite astounded to find that it had been running on for fifteen months, while I had regularly given my wife a liberal supply of money. She might have spent £30 or £40 a year on drink, and I would not have known, so that shows there was a pretty liberal margin allowed. I have been astounded when I saw the account, and I have said: 'I hope you will not allow it to run on again.' I found that the grocers did the same: they allowed the account to run on. They knew I was averse to accounts being run on, for I always made it a rule to pay on the first day of every month. I treated my wife with so much trust that I never scanned any of the books, but just handed her the money. I asked how much she wanted and she got it, and all the while she was allowing the butcher's and baker's and other accounts to run on unpaid. When I lived in Frederick Street there was a grocer who on one occasion marked down 'goods'

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instead of drink. My wife got the drink, and he marked it down as 'goods.' I spoke to him about it, and said: 'Are you aware that you are supplying my wife with a great deal of liquor?'—'Yes,' said he, 'I am aware of it.' I asked if he was aware of my convictions regarding this drink?—'Yes.' I asked, 'Do you expect to be paid?' He said, 'Well, I do; you have always been a good payer hitherto.' I said: 'You fail to apprehend what I mean, Do you expect me to pay this? Are you aware that men are convicted for less flagitious things than this? You are putting down goods when it is drink that has been purchased.' After that he told my wife: 'Mr ——— has been here, and I find he is very decided against drink being sent to the house. In fact, I will mark it down goods for you.' There had been drink first, but with that exception I found that goods were marked down. I recollect that it was in the month of February 1873 that I challenged the pass-book, because the grocer had five bottles of whisky marked down that month, and there was no person in the house who took it; but a great deal more than five had been got—possibly fifteen—and the remainder had gone down as goods. I said that I ought not to pay it, but I would pay it in this instance, but if such a thing occurred again I would not hold myself responsible for it. I also told him that I had an inclination to transfer my custom to some other place. However, I said, for old association's sake I would continue with him, only let this be a warning to him. I know of other cases besides my own. I heard Bailie Pentland speaking of grocers not giving treats to working men's wives. I spoke to our foreman polisher [lately. He is not an abstainer, though he is a very temperate man, and I said: 'I think I have heard you speaking before about your wife, when you returned from Liverpool about eighteen months ago, and came to our employment. Did you not tell me that the grocer offered to give her a weekly pass-book?'—'Yes.' 'She declined it I think?'—'Yes.' 'The grocer has been in the habit of giving her a little bottle of whisky—1½ gills or thereby—as an occasional present on the Saturday evening when paying the account?'—'Yes, quite correct.' 'You are prepared to swear to that?'—'Yes.' Then, has your wife ever seen any tippling there?'—'Frequently.' They put up a board at the end and kegs of butter and cheese there, and our foreman polisher's wife left going there because of the number of women who went there to spend their evenings, and drink there regularly in violation of the law. Then we had a foreman upholsterer, who was a man of rather loose morals, and who opened a grocery establishment—a circumstance to which I called my employer's attention, and we accordingly parted with him. I know for certain, and could bring people by the score to prove, that until a very recent period (because the man has now got wealthy), he had a coat made with compartments in it for bottles, and on the Sunday morning the people were in the habit of taking a little slip of paper and putting it under his door, stating the address to which to bring a bottle of whisky. His house and shop adjoined and communicated with each other. There is one who states that he got four bottles of whisky in that way supplied to him one Sunday in succession. When Bailie Cousin was a magistrate I spoke to him and mentioned this individual's name, and he said: 'We know that man well, and are trying to watch him, but the difficulty is to convict him. We have not the facility to deal with him which we have with regard to publicans.' I have a relation who has a hotel in Cupar, and I have been in the licensed grocers' houses there many a time, and I have seen drinking going on which made them differ in no respect at all from publichouses.

3001. Have you anything further to state to us?—Nothing further than that I think the two trades should be disjoined. I do not think any woman in the first stage would go to a publichouse for drink. It is only when she becomes demoralised that she goes there. A woman would not go to a publichouse without dressing herself, and it is not always convenient for a woman to do so.

3002. It would be difficult for a person in the position of your wife to get drink in the immediate neighbourhood without attracting notice, but there is nothing to prevent anybody going to a distance where she is not known?—She did that, but she got it always from licensed grocers.

3003. But if she was determined to have drink she could have gone to a publichouse at a distance?—She was not so demoralised in the earlier stage. It is in the later stage, and that is why I reckon the grocer's shop to be a great deal more insidious than the publichouse.

3004. *Sheriff Crichton.*—This grocer's shop in Frederick Street might be called a respectable shop?—Thoroughly respectable.

3005. Have you any objection to tell us where the shop was, the tenant of which carried the bottles in his pocket?—At Causewayside. He has two shops, one in Causewayside and one in Preston Street. He is a large proprietor and quite wealthy now.

3006. And these are shops of a good class?—Good class shops. In all the places where I have resided, which may fairly be called middle class parts of the town, I always made it a rule to deal with tradesmen of the very best class.

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| 70. Mr THOMAS GIBSON, of the firm of R. & T. Gibson, Princes Street, Edinburgh. | } examined. |
| 71. Mr GEORGE FORSYTH, Morningside, Edinburgh. | |
| 72. Mr ROBERT JOHNSTON, 16 Greenside Street, Edinburgh. | |
| 73. Mr ANDREW M. COUTTS, North-west Circus Place, Edinburgh. | |

3007. *The Chairman.*—Mr Gibson, you have come here to give us some information about your business. Can you tell us anything about the abuses of the licensing system as regards grocers?—*Mr Gibson.*—I was summoned here to speak as to the hardships of unlicensed grocers as compared with licensed men.

3008. You yourself do not hold a licence?—No; I never applied for a licence, nor do I want one. From the principles I entertain I could not hold one, though I am not a teetotaler.

3009. Would you say that a grocer is under a certain disadvantage who does not hold a licence?—He is under a certain disadvantage.

3010. In what respect?—I know men—I think 10 out of 12 of the most successful grocers in Edinburgh—that do not give a straw for my class of goods at all. They simply sell them because they find it a convenience to the families they supply with wines and spirits.

3011. In fact, they make the groceries subordinate to the liquors?—They have grown up together. All the large businesses of Edinburgh have grown up as a mixed trade from before my day.

3012. But I suppose it is difficult for a new man to set up in a street unless he gets a licence?—It is impossible for a new man to start in a respectable street with a possibility of success on account of the expense he is put to.

3013. Is that because he cannot get on without the profit on the spirits, or because people prefer to go where spirits are sold?—My impression is that he cannot get on without the profit on the spirits. I may illustrate that by stating that when we ourselves began business, about thirty years ago, we had the opportunity of taking a very low-rented shop down a stair. £36 was our rental when we came to Princes Street, and at that time nobody had ever taken the trouble to develop the provision trade as has now been done both here and in Glasgow, and throughout Scotland and England. We rented that shop at £36, and consequently our expenses

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were not heavy. My brother, myself, and a messenger-boy, composed our staff when we commenced. Our rent gradually rose to £60. The next movement was this: we could not secure a lease of the premises we were in, and that compelled us to move further west to a smaller but a rather better shop, which we got at a rent of £56. Six years afterwards a large house came into the market, and we were advised to purchase it. To show the value now, I may mention that we paid £4500 for it, and within the last six months a smaller house has been sold at £15,500. As our trade was developed, we paid great attention to English goods of a superior class, which threw us in contact with Messrs Harris & Co., Calne, Wilts, the famous bacon curers. We secured their agency, which of itself would keep a man in a reasonable way; so that we have not entirely confined ourselves to the retail trade.

3014. But supposing the liquor and provision trades were separated, there is no doubt it would pay men in large towns—certainly in such a city as this—to live by the sale of spirits alone, not to be consumed on the premises?—They could very easily live upon that.

3015. And then the grocery trade would pay by itself?—It could be made to pay, in large trades; but it requires greater frugality for a man to live in the provision trade than in the grocery trade. His expenditure must be kept down, and everything must be well looked to; when a man is determined to live he will do so.

3016. Can a grocer afford to be more liberal to his customers if he has the profits of the spirit trade? Can he afford to keep better goods and sell them cheaper if he has the profits of the spirit trade to set against that?—I know instances of men who do not care a straw about making profit on their provisions, provided they have the licence to live upon.

3017. You know them?—I know them of my own knowledge, and I know of utter failures that have taken place, not from any fault of the men or of the locality, but from their expenses, and from their neighbours surrounding them with licensed shops.

3018. *Sheriff Crichton*.—You mean failure in regard to the provision trade?—Yes; in fact, he was an entire grocer.

3019. *The Chairman*.—In fact, the number of grocers' shops is not regulated by the demands of the public, but by the number of licences which the magistrates will give?—It appears to me to be something like that. I know men doing a very small business, and turning over a very small amount of money, and yet contriving to live as well as men who turn over an enormous sum in the provision trade.

3020. *Sheriff Crichton*.—Do you mean they are doing that in the licensed grocery business?—Yes; men who are making a very comfortable living and yet turning over a mere fraction of the sum a provision merchant turns over.

3021. *The Chairman*.—Are we to understand that the other three gentlemen present concur with Mr Gibson in the remarks he has made?—*Mr Forsyth*.—Yes. I would like to make a remark in regard to customers going to licensed shops. I find in my experience that new customers come in and give me an order, and the order is finished very frequently with a dozen of Bass' beer or a bottle of brandy, and so on. Of course I cannot supply it, and in most cases that is apt to cause the loss of the customer. They find their way to a licensed shop, where they get their provisions along with their malt liquors and spirits. In regard to prices, I make it my plan to compete with the licensed grocers. If I did not do that I might shut up. We must keep up our position by cutting down prices, and giving articles equally good. Taking my own locality into account, I consider that my prices are as moderate, and in some cases they need to be more moderate, to draw the people from the other shops. So much as to that question. I believe that were I to take a licence tomorrow I could treble my income; and so far as I know the trade (I was in it for about ten years, and left it on account of principle), I understand that the grocers' profit on liquor, speaking without exaggeration, ranges

from 20 to perhaps 50 per cent. I would consider that not an extortionate profit. In some cases, where wine is kept some years in stock, the profit is cent. per cent.

3022. *Sheriff Crichton*.—You are speaking of the profits upon liquor?—Yes, of the average profit on wines and spirits. Speaking generally, the profits range from 20 to 50 per cent.

3023. And that is not exaggerated?—No, I do not wish to make any exaggeration about it. I believe that from 25 to 30 per cent. is very common, and is what people would call an honest profit.

3024. *The Chairman*.—You yourself do not choose to apply for a licence?—No. Well, speaking of the grocery trade, and taking the profits that range in our business throughout Edinburgh, I believe they range as low as from 7½ or 10 per cent. to 20 per cent. There may be exceptional cases where we have 25 per cent. I may mention that the reason why I left the business was this: I had been an assistant for eight or nine years, and then I had charge of a branch shop. It was carried on quite respectably, because my employer was very seldom there,—perhaps once in two three weeks,—and I succeeded moderately well. But as I came in closer contact with the people, and began to know a few of them personally, and to have some of them as my friends, I saw the effects which the supplying them with liquor had upon them, and I came to the conclusion that I must give it up.

3025. During the time you were acting for another, were you obliged to see occasional evasions of the law?—Never; I had the thing entirely in my own hand, and I was always strict.

3026. Are you aware of evasions of the law being common in any branch of the trade?—I believe they are very common amongst the lower class of grocers, both in town and country.

3027. You have reason to believe so?—Yes, I have; but amongst the better class it would be very prejudicial to a man's business to supply glasses of whisky, because respectable people would not come about the shop. I was stating how I was led to give the business up. I remember one case of a man whom I tried to induce to stop drinking. 'Well,' he said, 'you cannot say anything to me so long as you sell it.' I recollect another case,—that of an architect and his wife, who were customers of mine, and whom I saw going down hill very rapidly.

3028. Now, Mr Coutts, are you in a similar position?—Did you ever apply for a licence?—*Mr Coutts*.—No. I was bred to the grocery and wine trade, and I left it because, though not a teetotaler, I did not like to be conducting a trade in liquor. I did not at that time anticipate I would be able to make a living by selling provisions, and I applied for a government situation, but ultimately I became an unlicensed grocer. I happened to fall into a very old established business, and I manage by great exertions to make a living; but from my own experience I would most certainly come to the conclusion that if I were successful in obtaining a licence tomorrow I would make four times the living I make just now on the amount I turn over, which is very large.

3029. Are you aware of the practices of the trade in licensed houses?—I know men just now who I believe find that their best times are from half-past 6 till 8 in the morning, and after 11 p.m., which are illegal hours. They open under the pretence of selling groceries, and supply carters, cabmen, and a variety of other people who want liquor in the morning. When I first began to consider how many cases of breach of the law I had seen, I calculated something like 400. I could not have computed anything like that number except for the fact that certain men whom I knew intimately had certain customers, who came every day, and sometimes two or three times a day; and if I were asked how many violations of the law I had seen in grocers' shops, I would be disposed to deduct 25 per cent. from the number I have mentioned, and say about 300.

3030. These were in this town?—Yes, in the town of Edinburgh.

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Thomas
Gibson, and
others.

3031. And you think that as common an evasion as any is by the sale of liquor before legal hours in the morning?—Before and after, especially when the man lives in the back premises.

3032. After 11 o'clock at night?—Yes, and at other times of the day also. Men go there who think they get a better article at the grocer's than in the public-house.

3033. *Mr Campbell Swinton*.—Over how long did the 300 cases extend?—Over the fifteen years I have been in the trade.

3034. *Sheriff Crichton*.—And those are cases that you are certain you remember?—Yes, I am certain I am within the mark. I calculated about 400, but I deduct 25 per cent. in making a statement here. *Mr Gibson*.—With regard to the reason why we are here in private, and not publicly, I should like to state that my position in the trade is peculiar. I supply both licensed and unlicensed men, in my capacity as a commission agent. I know, however, that I am stating facts, and when requested by Mr Coutts to come here I had no objection to do so. *Mr Coutts*.—I would like to say that all the young men of ability whom I have known, who have been brought up to the licensing trade, after they get to maturity, and form an impression as to the profession they would follow, object, though not feetotallers, to conduct a licensed trade, and seek other businesses, because they did not anticipate that they could make the unlicensed provision trade remunerative.

3035. *The Chairman*.—Now, Mr Johnston, have you anything to add to what has been said?—*Mr Johnston*.—Nothing further, except to give an illustration of the difficulty of making a living out of the provision trade. My father carried on the business for thirty-five years, and found it so hard that he had to adopt the baking trade also. I succeeded him, and have carried on the two businesses combined. A little more than a year ago I got the chance of a shop next door to me and put the bread trade separate, so that I can ascertain what profit there is from each. In the grocery trade I have a turn-over of more than £100 a week, and I am glad if I can count upon 10 per cent. upon that. $7\frac{1}{2}$ per cent. is about what we have to be pleased with, and we are glad if we can get 10 per cent. on the average of all the articles. *Mr Gibson*.—I may mention that Mr Johnston happens to be situated in a busy locality, where competition is very strong. *Mr Johnston*.—It is a ready-money business, and things are cut very fine, especially sugar, which I have been forced occasionally to sell under cost. We are a little better now, but we do not know how long it may last. The licensed man tickets his sugar in the windows, with the view of making it a decoy duck, and leading people to think that everything else on his premises is as cheap.

3036. Is it your opinion, Mr Gibson, that it could be possible, without great hardship to the trade, to bring about a separation of the liquor and provision trades?—*Mr Gibson*.—It would be a very great hardship to do it suddenly. It would be almost ruin to nine-tenths of the trade.

3037. But suppose Parliament were to determine that after a certain time a man must choose between the two. Well, you say his profits are larger in the spirit than in the provision trade. Those who thought so would give up the grocery and keep to the spirit trade?—Quite so.

3038. And then grocery shops would be established either by the same individuals under a different roof or by others?—Yes.

3039. What I mean is, that you take away the licence from the grocers, but that licences should be given for the sale of wine, spirits, and ale, separate from groceries, on the same kind of licence as at present, but separate?—It would be a lessening of the danger that men are exposed to at the present moment, but I do not think human nature is better than it was long ago, and I believe it would be very easy for a man who had the licence to evade the law. I find that in Derbyshire just now, when they produce a gill of whisky, they call it whisky mixture. The analysts had been very strict

with them, and consequently they put on 'mixture.' I believe that men will find a corner by which to escape, and it will be a most difficult thing to enforce the law.

3040. You mean that the grocers would still manage to sell spirits in some form?—I am afraid they would. *Mr Forsyth*.—Speaking to the commercial aspect of it, I think they would sell no spirits if they had no licence. So far as I have ascertained the opinion of the provision merchants, it is to this effect: Let the trade be divided. A proportion, say 50 per cent., would choose the licence, and 50 per cent. the provision department. Thus the whole provision trade is handed over to the 50 per cent. who choose it, and the thing is fairly and equally divided and rectifies itself.

3041. *Sheriff Crichton*.—But that would require time to do?—Well, it would require time.

3042. *The Chairman*.—Could it be done in any other way than by saying that no licences were to be granted to grocers for new premises?—The objection to that is this, that the licences would die out gradually, and those who retained them would have a great monopoly,—there would be a few just coining money.

3043. Suppose an Act of Parliament were passed forbidding spirit licences to be held by grocers, say after five or six years, that would give people time to arrange their business?—I think five years would be a fair time. *Mr Coutts*.—I would regard it as a hardship to take the licence away immediately from a grocer, because as a rule, he has three years' supply on hand.

3044. But if he wished to retain the licence he could drop his groceries?—*Mr Forsyth*.—Businesses of that kind are always very marketable. *Mr Gibson*.—There is a class of houses that some of the Commissioners may know about. I refer to the business of the late Bailie Kay in Jamaica Street. It has been conducted purely as a spirit shop for more than forty years, I should think. That is the class of shops which would spring up.

3045. *Sheriff Crichton*.—That is the class of shops the Chairman points at.—It has been a most successful spirit business. When people go there everybody knows what they are going for, and I suppose that is the main object of this agitation,—to give people no inducement to get drink in a hidden manner. That business has succeeded well, and, so far as I know, there is no drinking on the premises allowed.

3046. That is an instance of what would arise if the trades were separated?—I think so, and there could be no reasonable objection to that.

3047. *Mr Campbell Swinton*.—That would be easy in large towns, but would shops of that kind arise in the country?—Well, the country would be a difficulty, because in a small country town a man requires to keep goods of every description.

3048. *The Chairman*.—In towns of 2000 or 3000 inhabitants there would be room for both trades?—There would. *Mr Forsyth*.—I know a little about towns of 1000 inhabitants, and even in these I believe there are several licences. I fancy there are a good many who make their living purely from the spirits. I think a village of 500 inhabitants could support one man selling liquor alone.

3049. *Mr Campbell Swinton*.—Besides the public-house?—Besides the publichouse. *Mr Gibson*.—We all know the county of Peebles pretty well. There is not a licensed house on the road between Leadburn and Peebles, and people contrive to exist without them.

3050. *The Chairman*.—But perhaps there are travelling carts?—There will be carts running so far into the county, but I do not think that any carts from Edinburgh go so far south-west as Peebles.

3051. *Mr Ferguson*.—We have evidence that a good many carts go into Peeblesshire, and do much mischief where there are no licensed houses at all?—I have no doubt of that. In the town of Eddleston and various other places, if it were not for travelling carts the people would have to put themselves to great trouble in order to get liquor, and I think the population has been improved by the want of it.

74. Mr ALEXANDER PICKEN, City Missionary.
 75. Mr HENRY HETHERTON, City Missionary.
 76. Mr THOMAS TELFER, City Missionary.
 77. Mr JAMES GOODFELLOW, do.
 78. Mrs CLELLAND, Bible-woman.
- } examined.

3052. *The Chairman*.—You have come here to speak from your personal knowledge of statements made in the memorial put in by Mr Turner?—*Mr Hetherton*.—Yes.

3053. Would you give us any instances that have come under your observation of evils resulting from the sale of spirits by grocers?—I have to speak principally of the effects produced upon the better class of working men's wives. When taking the statistics of drunkenness last year, I found this remarkable fact, that in the best part of my district (the Canongate), and in the part where the best houses are, and where the wages of working men are good, a considerable number of the wives were given to tipping, and yet I never had observed any of them in the publichouse. I often saw them, and I still see them, under the influence of drink to some extent, though they never could be said to be just drunk, but impoverishing themselves and their children; and the conclusion I came to very decidedly was that they did not get the drink from the publichouse but from the grocers'.

3054. Had you distinct reason to believe that? It was not conjecture?—It was not conjecture, but a real knowledge that such was the case. They were not only hurting themselves, but this system of secret drinking was very pernicious in a moral point of view, both to themselves and their families.

3055. You have no objection to your names appearing in our report, but you do not wish them to appear in the newspapers?—Just so.

3056. Have any abuses in the way of selling spirits to be consumed on the premises come under your observation?—No, I cannot say I can speak with any certainty of that.

3057. Can Mr Telfer say anything as to that? Have any cases come under your own observation of liquor being consumed on the premises of grocers?—*Mr Telfer*.—I cannot speak personally of that. I have never seen anything of the kind, though there are strong suspicions that it exists.

3058. I ask you that because in this memorial which you have signed you say: 'We have good reason to know that by many of the holders of those licences the law is constantly violated, so that the premises are practically little better than publichouses under another name.' Well, I do not like to speak personally or to mention any person, but I know that in my district there is a house which the neighbours on the opposite side say the working men go into as they come from their work, and there is a house at the back of the shop, and they have noticed people going in on the Sabbath. Of course they cannot say that these people go in for drink at that time, because the only way to the house is through the shop, but it raises a great suspicion in the district that there is illicit drinking carried on.

3059. Have you noticed bad effects upon the females and families you are acquainted with, through the increase of drinking habits?—Yes, I think there is a great increase of that, and I believe that the beginnings of that drunkenness arise very much from the way in which spirits can be got from the grocers. I have a case in view. A woman recently reclaimed from a very drunken life gave me evidence very plainly, and her statement to me was just this, that before she was married she would not have taken a glass of whisky for any person, but after she was married she got amongst female companions, and at the place where she lived they had their tea-parties in the afternoon, and along with their tea they had their drink, and it was from that practice that she became a total drunkard. I asked her how she got the drink, and she said she got it from a licensed grocer. I asked how the drink was marked down—whether it was as goods or drink—and she said

she durst not allow it to be marked as drink, on account of her husband, and therefore it was marked as goods. That was the plain honest statement of the woman.

3060. *Sheriff Crichton*.—How long is that ago?—It is scarcely two years since she became sober, and I think there would be about twenty years from the beginning till she was reclaimed.

3061. *Mr Campbell Swinton*.—Then it is about twenty-four years since she was first led into the habit through getting liquor at the grocer's?—I would not like to state the time. She did not state it to me.

3062. But it was about that time?—Yes, it might be. It was after she was married that she got into this temptation.

3063. *The Chairman*.—Now, Mr Goodfellow, what can you say in support of this memorial?—*Mr Goodfellow*.—My district is in the south side. There are seven licensed grocers in the line of street which I have principally as my district, and I can speak, not directly from personal observation, but almost from personal observation, in reference to grocers selling spirits to be consumed on the premises. I have always specially avoided even attempting to take notice or act as a spy, but things have forced themselves before me that I could not help taking notice of. For example, in visiting a family opposite a certain grocer's shop, I have seen all kinds of people going in without vessels and coming out again. The door is very narrow, and you cannot see in very well; but cabmen will stop for a minute, go in, and come out again. The same with regard to washerwomen. There are a good many laundries in my district, and many of the washerwomen go in there and are supplied with beer for dinner, though I am glad to say that many of them now go to the milk shop instead. I could say a good deal more in reference to that. There was a sober man, a shoemaker, living in the land next to this shop, and he was very much disturbed by the sale of drink on the Sabbath. He seemed to the grocer to be rather officious, and the grocer got the property into his hands, and made the man remove.

3064. What did he do to annoy the grocer?—He used to find fault with the selling on the Sabbath day. People used to go through the close that led to his house, and make a noise, and go over the wall and get whisky out at the back window. This same shoemaker also told me that the people living at the back told him they had seen five persons on a Sabbath forenoon going over the wall and getting drink. I am glad to say, however, that the women in my district do not go into the publichouse, but a good many go into the grocers' shops. I have been a long time in the district, and know a good deal about the habits of the people and their home life; and I am sorry to say that female drinking seems to be rather on the increase, and, so far as I can learn, they get their supplies from the grocers. Indeed, I am almost sure, from what I myself see, that they do so. Even the degraded will not go into the publichouse unless under the influence of drink.

3065. There is a feeling of self-respect, you think, which keeps them out of the publichouse?—Yes.

3066. That would show that in those districts, which are poor districts, the public opinion is against drinking?—Yes, the public opinion is against drinking. Those women would scarcely dare to go into a publichouse, because their husbands would quickly get notice of it, and the neighbours and others would observe it. But if they go into the grocer's, people do not know what they are getting. I have seen women go into the grocer's without vessels, and come out without any appearance of having groceries, and I understood from what I knew of the women that they had been in getting drink. *Mr Hetherton*.—I can strongly corroborate the statement that of those who ordinarily tipple the great majority would not by any means be seen in a publichouse, and I have not seen them there, though I have been sixteen years in the district. *Mr Telfer*.—I believe a woman is very far gone with drink before she will go into a publichouse.

3067. Mr Turner spoke of fictitious entries, on the authority of a Bible-woman; did you, Mrs

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Clelland, give him any information about that?—*Mrs Clelland.*—Yes; I saw a bill,—indeed, it was put to me as very unjust that it had been refused to be paid. It came to 25s., about one-half of which was put down as groceries. The grocer's wife showed me the bill, and said that payment had been refused because they knew those goods had not been got.

3068. Have any other similar instances come under your notice?—There was one which did not come under my personal knowledge, but was told to me by a party who saw the woman, and whom I have no reason to disbelieve. A person went into a grocer's shop, and when she saw another there whom she knew, she asked the grocer to send her 7d. worth of meal. There were looks exchanged, and the woman disappeared. The party who told me about this waited a little while, and she saw the grocer put up liquor in a little bottle—about a gill—and send it to the name and address of the person whom she knew. I know it is done. I lived next door to a grocer's shop for twelve months.

3069. Is it done in order to conceal the sale from the husband?—Yes. This woman had not a husband, but there was another person who was interested in her income, and had to pay her bills.

3070. In your experience, are those grocers much resorted to by rather decent women for the purpose of buying spirits? Can you speak to that?—Just common working men's wives. There is one thing I would like to say. I have been hearing a good deal said about women; but when a husband and wife go to the grocer's shop in the evening and get goods and pay their past bill, they will often get rather too much to supply their needs on the Sabbath. They will get a bottle, which they would not do if they had to go to the publichouse, —they would perhaps think about it then. There are several families which have begun that lately, and they consume the liquor on the Sabbath.

3071. *Mr Campbell Swinton.*—Then, in that respect you think it would be better if the people had to get their drink at the publichouse than at the grocer's?—Yes, I think there would be much less got, because they would not get it on trust as they do at the grocer's.

3072. The grocer gives the liquor on trust, though he knows it is at his own risk if he does not get payment?—Yes, I know that.

3073. And as they run credit with him for other goods they get credit for liquor?—Yes; it is generally put down as *aqua*.

3074. But that would not deceive the husband?—I am speaking of when they get it together on the Saturday night.

3075. Have you anything else to tell us?—Well, I lived next door to a licensed grocer, up above, and I knew there was drinking going on on the Sabbath day. They kept it in the house, though there was no door between the house and the shop. I once met a woman carrying a jug, which she tried to conceal from me, but I could both see and smell it. It was on a Sabbath night, pretty dark, but I saw the jug and knew what the woman had.

3076. If you lived so close to the house, you must have had frequent opportunities of seeing people enter the shop at various times of the day?—Yes, and very late often on the Sabbath night. I have also known men going in by 6 o'clock on the Sabbath morning. They had a room to the back, and though we did not see them drinking we knew what they were about,—we saw them coming out intoxicated.

3077. And you would see people going in at all hours on other days of the week?—Yes.

3078. What kind of vessels did they take with them into the shop?—There were multitudes of vessels going in.

3079. Open vessels?—Yes.

3080. Tea-cups?—Jugs and little cans,—a very common thing,—and anything like that.

3081. Not corked bottles?—There were plenty of bottles too, but jugs and cans were very common.

3082. Did you see women carrying those?—Yes, and boys and girls.

3083. Young children under fourteen years of age?—Yes.

3084. Did you ever see children tasting the liquor?—No, I never did.

3085. Is there anything else you have to tell us, from your experience?—No, I do not think I have anything else to say.

3086. Have any of you, gentlemen, anything else to tell us that would be useful?—*Mr Hetherston.*—I think that one great motive for altering the law by separating the licence from the grocery trade is this, that many grocers have told me they could not make a profit without the licence. After they had been in the grocery line for a while, they got a licence on that account to enable them to get on. That is a direct encouragement to those who keep that which is evil, and a discouragement to those who supply that which is beneficial. *Mr Telfer.*—The question has been put whether, if the licence were separated from the grocery trade, it would not drive the people more to the publichouse. Now, I think it is plain that the publicans are so much alive to their own interest that they would not give drink upon credit, whereas from the grocer's they get their drink on credit.

3087. Because they purchase other goods?—Yes. I do not think it would induce people to go to the publichouse, because they know they could not get liquor there on credit. I should like to corroborate the statement of Mr Porter, superintendent of police in Jedburgh, as to the number of carts that are sent out of Jedburgh now, through the great number of licensed grocers there, to carry drink through the rural districts, and to the very doors of the people. I belong to that district, and I was there almost all my life till eight years ago. I go there for my holidays every year, and I must say that through the practice I have mentioned there is evidently the sowing of seed amongst the working people that will prove most injurious both to young and old in a very few years. I can recollect the time when all the toll-bars were licensed, and in the large villages there were one or two publichouses. These were all swept away years ago, and that wrought a marvellous improvement in the morals of the people. Now, this new system of sending out carts with drink is far more detrimental to the public than even the licensed toll-bars and publichouses were. The people get the liquor carried to their doors, and family drinking is becoming very prevalent. I heard this year of two respectable women sinking under the influence of drink.

3088. Do you think the drink is sent out without an order, and taken on speculation to be sold in the country?—No, they have orders, but when the drink is coming to the door, if a bottle is needed, the vanman can mark that down as ordered goods, though it may not have been ordered previously. But I do not believe that any of the grocers would violate the law by selling drink without an order.

3089. How can you prevent a system of that kind?—The only way is the entire separation of the trade.

3090. And you think that a spirit dealer would not send his cart over the country unless he had groceries too?—No, there has never been such a thing attempted as for a publican to send his cart across the country, or even for a brewer to retail in small quantities the same as the carts do.

3091. Do you not think he would do it if there was nobody else to do it?—It has been within a few years that this has taken place, and I do not think that would be attempted.

3092. *Mr Ferguson.*—We have evidence before us that a great many brewers and bottlers from Edinburgh and elsewhere do send out carts through the country to deliver dozens of beer?—They may send out beer in that way, but they do not cart whisky and ardent spirits.

3093. Because that is not their business?—That is where the evil lies.

3094. If it pays a bottler to send out beer, would it not pay a whisky merchant to send out whisky if this van system of the grocers were done away with? I scarcely think they would do it. The quantity they would dispose of would never pay them. The grocers have their groceries to sell, and they have profit in that way. If it were not possible to separate the trades, I

think that those carts should not be allowed to carry less than one gallon, and that would prevent them bottling altogether. Confine the licensed grocers to a certain quantity, and do not let them take out bottles and sell them to people in their houses. Few people would take a gallon.

3095. *Mr Campbell Swinton*.—Would it not be hard

that I should have to take a gallon if I only wanted a bottle?—Well, it would prevent a great deal of drinking in the country.

3096. But it would be one law for the rich and another for the poor?—Well, it is not a necessary thing for the poor to have drink at all.

Adjourned.

EDINBURGH.

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*Alexander
Picken, and
others.*
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EDINBURGH, FRIDAY, 12TH OCTOBER 1877.

Present:—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSSON.

SIR JAMES FERGUSSON IN THE CHAIR.

79. C. D., Hawick, examined.

3097. *The Chairman*.—What is your profession?—I am a military pensioner, and I was a sergeant in H.M. service.

3098. You have offered to give us evidence of evasions of the law on the part of licensed grocers in the town to which you belong, but you are unwilling to have the odium of informing upon any one?—That is so.

3099. You can speak of things that have actually come under your own observation?—Yes.

3100. Will you tell us what evasions of the law you have observed in respect to grocers' licences?—I have observed people to call and sit down and drink beer or whisky, as the case might be, precisely the same as in a publichouse. In fact, a licensed grocer with whom I am well acquainted, and to whom I have spoken on the matter, frankly admits that it is a violation of the law; but he says 'Oh, look at the manufacturers; look 'how they violate the law sometimes.' I consider that the licensed grocers are not wholly to blame; it is a practice that is connived at by the community generally.

3101. Do you now speak of one licensed grocer in particular?—I know of more than one.

3102. And you say that parties are frequently drinking in the shop as if it were a publichouse?—Yes.

3103. Can they be seen doing so from the outside?—From the outside you can see people coming out and going in. I certainly must say that our magistrates are not doing their duty in the matter.

3104. What part of the shop does the drinking go on in?—Over the counter, where the customers are served.

3105. Can that be seen from the door?—Yes, perfectly well. A matter of course, it could not be seen from the outside; you must go inside to see it.

3106. Why do you think that the magistrates are not doing their duty in the matter?—Because they must be aware that this practice is going on, and they make no effort to put a stop to it.

3107. Did you see any irregularities in the way of giving drink before 8 o'clock in the morning?—I cannot say I have paid any particular attention to that.

3108. Or on Sundays?—None on Sundays, with regard to licensed grocers.

3109. Do you think that if the police were looking out they could see what took place?—I certainly think that the police are winking at it altogether. They don't wish to see it.

3110. *Mr Campbell Swinton*.—Is it from the outside that you have observed the drinking going on?—I have been inside and seen it several times.

3111. *The Chairman*.—Do you say it goes on pretty openly?—It does.

3112. And you know of two or three houses where this does go on?—I do.

3113. *Sheriff Crichton*.—As many as three?—I can speak of two confidently,

3114. *The Chairman*.—Are those shops in small back streets or in the main thoroughfare?—They are not in small back streets, they are in main thoroughfares.

3115. Are they shops in a large way of business?—They do a pretty good business in the grocery line—in the way of supplying families with groceries.

3116. Take the first shop you were thinking of, how many assistants do you suppose it employs?—I think the grocer and his wife and daughter manage the business.

3117. And it is a real grocer's shop?—A real *bona fide* grocer's shop.

3118. Take the next you thought of. How many assistants does it employ?—I did not see any except the grocer and his wife, and perhaps his daughter, who is a girl of thirteen or fourteen years of age.

3119. What sort of rents do you suppose are paid for those houses?—I cannot say, but I should think from £15 to £20.

3120. Do you know whether working-men complain of their wives being led to drink in those places?—I know that working-men complain of that.

3121. You have heard men complaining of it?—I have heard them complaining.

3122. *Mr Ferguson*.—Have you heard them complaining of their wives drinking in the shop, or of their getting whisky and drinking it at home?—I have heard them complaining both ways I may say.

3123. *Sheriff Crichton*.—Were the evasions you have spoken of just getting a dram over the counter?—That was all I observed.

3124. And those are the kind of evasions you have been speaking of?—Yes.

3125. *Mr Ferguson*.—Are you aware of any evasions of the law by selling on the Sabbath day?—I cannot say I am. I do not think this was much practised by grocers. I cannot speak of anything of that sort. I know there are evasions. For instance, in coming from church, I have observed people the worse of drink, but I am disposed to think that drink would be obtained from publichouse-keepers rather than from grocers.

3126. *Sheriff Crichton*.—But the people who were supplied with drink by grocers were mostly working-men?—Yes, mostly.

3127. Were there some women too?—I refer to the evasions which you saw?—Working-men. I cannot say that I ever saw any women drinking there.

3128. *The Chairman*.—Is that all you have to say?

EDINBURGH. —Yes. I should like to state that it is evident our magistrates are not doing their duty in the matter. It is not possible that the practice should be so common without their knowing of it, and if they were at all anxious to suppress it, that could easily be done.

C. D.

F. F.

80. E. F., Pattern-Maker, Edinburgh, examined.

3129. *The Chairman*.—You are at present in employment?—Yes.

3130. What are your wages?—26s. a week.

3131.—How long have you been earning that rate of wages?—About 15 years.

3132. You have offered us evidence as regards the working of the grocers' licence, and you have addressed a letter to us on the subject to the Commission. The statements in that letter are correct?—Quite correct.

3133. Then perhaps we may take your letter as the evidence you have to give us?—Yes. [The letter is as follows]:—'Sir,—I see by the *Scotsman's* report to-day of the Commission's inquiry into grocers' licences, you say in answer to the Chairman that you take it on common rumour or report that workmen's wives get drink supplied to them when they went for groceries. Now, I am sorry to say that I can vouch for the truth of said rumour or report from my own personal experience. There is no use of me troubling you with the whole of the details, but suffice it to say that my wife after our marriage ran up accounts with grocers unknown to me, and which she did not require to do at all, as she had always the ready money. She went on tippling. Everything disappeared out of the house she could lay her hands on. I removed my house to the other extreme end of the town, thinking it would remove her from her cronies; it did for a week or two, but latterly she got even worse than she was at first, for she went up to her old friends and stayed away a night at a time, and when I went home of course the wife had went out whenever I got my dinner. One night, when I went home the neighbours told me she had left the house with a sailor. I shut up the house, and sold off the effects, and I haven't seen or spoken to my wife since, and this happened nine years ago. I believe she came back to town in course of a week; and then I would have nothing to do with her unless she gave an explanation of her conduct. The accounts began to come in; among others a grocer's bill. I saw by the way the bill was cooked that the grocer wanted to hide from me the amount of *aqua* which the wife had received. However, I took no notice of the bill, and the grocer sent an agent down to me; so I told him I did not object to pay, but I wanted a correct note of all that my wife had got. He asked me if I thought the grocer was deceiving me. I said yes, and that unless he did what I wanted, I would not pay him a farthing. I never heard any more about the grocer or his account, and whether it was a compact between the grocer and my wife to extort money from me I can't say; but I had another grocer's account to pay beside my new residence, for goods which were received at the same dates as the first mentioned were said to have been got. Now, I beg leave to say that if there had been no grocer's licences my wife would never have went to ruin as she did, or she would have shone out in her true colours before we were married. She was a woman who would not enter a publichouse door when I was with her; whether she did it with others I know not. If we were out and wanted anything, she would go into a sly drinking shop, viz., a confectioner's, where she thought it was more respectable. I am not a teetotaler myself, but I have always held that licensed grocers do more harm than publichouses from the sly way in which they sell it. I was intimate with a couple who removed out to ———, when it was first started. The wife told me she thought it might do her husband good by taking him

away from his companions; they got on well enough. A licensed grocer got established beside them. He made the Mrs a present of a pint bottle of whisky on the Saturday night. The husband says he must be a good sort that grocer, and to repay him for his kindness, as she called it, she had to purchase whisky along with her groceries; a thing which she tried to refrain from doing before she got the present of the pint, which, as you will see, was a bait laid by the grocer to entrap them into buying his spirits, as they thought they would be mean in not doing it after his kindness. If the foregoing information is of any use to you, good and well. I would give my evidence, but not in public to be seen in the papers, as I am pretty well known in Edinburgh in connection with friendly society affairs, and my friends do not know whether I am married or not, but if it can be taken not to appear in public print, I am ready.'

3134. At what time was it that you were intimate with the couple you refer to in your letter?—It was between 1869 and 1872, when I was in the employment of a man who lent money to working people, and when I consequently knew a good deal about the habits of the working classes.

3135. Did that man do a large business?—Yes.

3136. How many would he lend money to?—Sometimes 150 in the week. There were generally three parties to the bill, so there would be 450 parties' names.

3137. *Sheriff Crichton*.—What was the amount of the bills generally?—From £1 up to £10, and sometimes more.

3138. *The Chairman*.—And the money was lent to working men?—Yes.

3139. What rate of interest did he charge?—2s. per £.

3140. For how long?—They commenced to pay it the next week or fortnight.

3141. Then it would be 2s. per £, and they had to pay it up by instalments?—Yes; say the loan was £5, it was paid up at 5s. per week. The bills were generally cleared up in six months, and two or three weeks before the finish they would take out a new bill and clear off the old one.

3142. Had he to take many to the court before getting the money?—No, they were pretty good payers on the whole.

3143. *Sheriff Crichton*.—If they failed to pay the instalments, did he put on a penalty?—He was not too hard on them if he saw they were anxious to pay.

3144. *Mr Ferguson*.—Had he any special agreement which they signed besides the bill?—Yes; there was a back-letter, promising to pay a penalty if they failed to pay the instalments.

3145. What was the penalty?—It was stated to be 6d. per £ per week, but he never imposed the penalty. He could have done it, but he restricted it sometimes to three weeks, when he summoned them.

3146. *The Chairman*.—Is it a very common practice amongst the working people of Edinburgh to borrow money?—It has been very common for some years back. I may say that I am treasurer of a yearly society; but that is like a bank, where the people commence to deposit 6d. or 1s., or 2s. per week, and it runs on to the twelve months' end.

3147. What interest do you allow?—Just the interest that comes in. Some of them, when they have their money in for two or three weeks, get an advance on what their deposits come to in the twelve months; and when they lift their money they pay 1s. per £ of interest.

3148. If a man lets £1 lie with you, do you allow him interest?—The parties who lift money pay 1s. per £ interest, and at the end of the year the interest is divided equally amongst the members, whether they lift money or not. They generally get about 6d. per £ interest at the end of the year, and those who lift their money get the same share as those who let their money lie.

3149. Do you lend money from the funds?—Yes.

3150. What rate do you charge?—1s. per £.

3151. How soon has it to paid up?—They are always paying every week. They pay in their instalments every week, and at the end of six or eight weeks they will say that they want an advance of their money—that is, 52s.—and they get £2, 9s. 6d., and keep on paying 1s. per week to the close of the society.

3152. They prefer to come to you to going to the money-lenders?—Yes, because the interest is less; and they pay an extra 2d. a-week for sick money, and if they are badly, they get an allowance of 5s. per week of sick money.

3153. Is it a registered society?—Yes.

3154. *Mr Ferguson*.—You said that the custom of lending in this way had grown up of late. Can you give any idea what led to its growing up?—I cannot say. The party with whom I was had been doing it for a year or two on the quiet, but when he started to advertise, some others who saw him getting on got somebody else to back them, and started the same line of business, thinking it was a good paying one, but the Arrestment Act put a damper on them.

3155. My question was more as to what led the working men to apply to those people. Why should they be needing money? My object is to find out whether the money borrowed in that way was expended on drink?—No, I will not say that. There are a great many clubs in Edinburgh—drapers' shops—which give out goods to be paid for by weakly instalments, and a great many people came to this money-lender, so that by obtaining ready money they could go and buy goods where they liked, finding that to be a cheaper way, even after paying the interest on the money.

3156. *Sheriff Crichton*.—Was this system of lending money going on before the Arrestment of Wages Act?—Yes. Of course, when I was connected with this thing, I was pretty much in contact with the working classes, and saw a great deal of how matters went on.

3157. Is it a common thing now for women to get drink from the grocers without their husbands' knowledge?—Oh yes, common enough. I have seen in that loan society, after the second or third payment, a woman would lose her pass-book and come and get a new one. I remember once that we had to summon a man for payment, and he was astonished that the money had not been paid. He fetched up his pass-book with all the payments marked in it. This was the second pass-book which his wife had got. She had got somebody to mark down the payments, and the man never knew but what the money had been paid. There are many instances of decrees going against women for groceries, and the men never know of it till their wages are arrested.

3158. Then the woman kept the money, and got somebody to mark it down as paid?—Yes. Men have told me themselves that they never knew till the arrestment went in that the money was not paid, because the wife got the summons and burned it, and the next thing was an arrestment against the man's wages, while the man did not know as much as that he had been summoned.

3159. *The Chairman*.—I suppose it is only the lower class of grocers that you can charge with those things?—Marking down goods instead of whisky?

3160. Yes?—I daresay it may be. I can only speak as to what came under my own notice.

81. *MR KENNETH MATHIESON*, Provost of Dunfermline, examined.

3161. *The Chairman*.—How long have you been Provost of Dunfermline?—For six years.

3162. How many licensed house have you in Dunfermline?—I have a return here which will give the desired information. We have at present 9 hotels, 31 publichouses, and 53 licensed grocers.

3163. Can you tell us whether the number has been reduced or increased of late years?—It has been re-

duced. In 1870 there were 11 hotels, 23 publichouses, and 41 licensed grocers in the old royalty; but previous to that, in 1868, there was an extension of the royalty, and in the extended part of the royalty there were 8 publichouses and 19 licensed grocers, making in all 102. In the present year there are 95 licences of all descriptions.

3164. What is the population of Dunfermline?—In 1861 it was 13,506, in 1871, 14,963; and I estimate the population now at 16,500, which gives one licensed house at present to every 181½ inhabitants, whereas in 1871 there was a licensed house for every 153 inhabitants. Besides the royalty, there are two mining villages under the jurisdiction of the magistrates upon some property which we have about a mile or one and a half miles out of the town, viz., Townhill and Kingseat, with a population of 2100. In Townhill, with about 1500 of a population, there are 2 licensed grocers only; and in Kingseat there is one publichouse under the jurisdiction of the magistrates, and a licensed house just outside the property. In those two places there are 4 licensed houses to a population of 2100, or one to every 525 inhabitants.

3165. How is it that the licences are so much less numerous in those villages?—They have not got licences granted. We have always refused to give more licences, and at Townhill it is only within the last two years that they have got a second licensed house.

3166. Are the magistrates endeavouring to reduce the number of licences in the town?—They are. They have done that for some time. We have reduced the licences within the last six years from 99 to 91.

3167. Do you continue the old licences unless there are reports against them, and do you allow them to die out gradually?—Yes. That has been one way which we have taken, and there are two or three licences of that description now which I believe will very soon fall in.

3168. Do you regard the value of the house as well as its suitability otherwise in granting a licence?—A great many of those houses we got handed over at the time the burgh was extended in 1868. A good many were handed over from the county, and some of those, as well as some in the town, are very low rented. I can state the rental of the grocers' premises:—£10 and under, 23; above £10 and under £20, 16; above £20 and under £30, 6; above £30, 8. In Townhill the rents, I should say, are about £30.

3169. Have you a separate police force for Dunfermline?—We have.

3170. Are the magistrates particular in having the law enforced in all classes of licensed houses?—Yes, they are pretty much so. They use all means in their power. I have a return here from our police superintendent which will show the effect of the quantity of liquor sold to some extent, and the amount of crime committed.

3171. We shall ask you to give us a return in a particular form, but perhaps you will be able just now to state the general effect?—Yes. Taking 1874, for instance, the total number of crimes committed was 479, and of those 254 were committed under the influence of drink; drunk and incapable without any other crime being attached, 155; number of crimes committed when people were sober, 70. That proportion follows all the years for which I have a return from 1868 to 1876.

3172. Has the particular class of crimes connected with or attributable to drunkenness increased or decreased of late years?—Taking last year as an example, there were 422 crimes, of which 241 were committed under the influence of drink; drunk and incapable, 78; sober, 103; so that apparently they had decreased last year. There were 103 crimes committed while the offenders were sober, out of 422. The proportion in other years is rather higher.

3173. Are you able in your opinion to enforce the law in the case of grocers' shops?—Well, it is difficult. I believe there is a great deal of drinking in grocers' shops. Whether it leads to absolute drunkenness in the shops I am not in a position to say, but there is a great deal of drinking, and I understand that a good

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deal of the Sunday traffic arises from the facilities obtained in some of the grocers' shops. There are a good many shops in which the sale of drink is the main support of the business. I went over part of the town the other day along with our police superintendent, and he pointed out 10 or 12 houses with back-door communications, the families living in the place, so that it would be a very difficult matter indeed to stop them if they were disposed to carry on illegitimate drinking.

3174. In licensing new houses, do you require that there should be some separation?—Yes, and we have got a good many of the communications between the houses and the shops closed up. Indeed, we have not licenced a new house except one grocer's shop within the last six years.

2175. Have most of the larger grocers in the town licences?—There are four or five very respectable grocers doing a large business who have no licences, but all the others have.

3176. Have those four or five never applied for licences?—Certainly not in my time, and I don't think they ever did so.

3177. Do you know whether it is common for spirits to be sold in open vessels by the grocers to people?—I believe that is not the practice in our town.

3178. Are there any other ways in which you think the law requires strengthening?—Well, there are some modes in which drinking could be reduced. One way, I believe, is by shortening the hours. I submitted your queries to the whole of the magistrates the other day, and they quite concur in the opinion that the hours of the grocers might be shortened. I believe that the grocers themselves in Dunfermline are quite prepared to say that a shortening of the hours would be beneficial to the community. On the matter of rent, also, we think that no licences should be granted except to houses under a certain rental.

3179. It would be very difficult for an Act of Parliament to fix a rental?—Well, it would perhaps be difficult. Every place would require a different limit to be specified. If a particular rental were fixed all over the country, it might be too hard in one place and too easy in another.

3180. Do you think that there might be a scale according to the size of the town?—That probably might be done. We talked over it the other day, and it seemed to be the general opinion of the magistrates in Dunfermline that a £20 rent with us would not be too high.

3181. Have the magistrates ever granted a grocer's licence, in your recollection, when a public-house licence was asked for?—I think we have, and we have also reduced a hotel licence once or twice to a public-house licence in consequence of irregularities in the way of Sunday traffic. I cannot exactly recall an instance, except at Townhill, where a year or two ago there was a desire expressed for a public-house, and several applications were made. We accordingly granted an additional grocer's licence, so as to do away with any idea of the business being confined to only one man.

3182. Then it was your opinion that a grocer's licence was calculated to do less harm than a public-house licence?—There, certainly.

3183. You thought it would be better that the liquor should be bought and taken home than that there should be drinking in the publichouse?—Yes, no doubt. There had never been a publichouse there, and it might have induced habits of sitting and drinking which might be objectionable.

3184. Then it is your opinion that the principle of a licence for spirits not to be consumed on the premises is a good principle?—My own idea is, that it would be better to separate the trades altogether. That is my own opinion in the abstract; but taking things as they are, a grocer's licence might be given, and very beneficially worked for the community, if the law is properly carried out and not evaded.

3185. Have you considered whether in a town of the size of Dunfermline the two trades would pay separately?—The trade of a grocer alone does pay in

the instances I have given. Very respectable people have those businesses, and I have no doubt that the same thing would pay in the case of a great many others. I don't think it would pay to the number of fifty-three. Fifty-three grocers might perhaps have hard enough work of it, but the number would be reduced.

3186. The suggestion has been made by many people that the trades should be separated. Have you considered whether, in the course of some years, without injustice to people who have invested sums of money on the faith of the law continuing, licences to sell drink might be gradually withdrawn from grocers?—Well, my own opinion is that the trades should be separated, and separated in such a way as not to do injustice to the interests at present invested. There should be sufficient time allowed for the expiry of a trade such as that.

3187. Then perhaps you would tell us why you think that in the abstract the union of the liquor and provision trades is undesirable?—I cannot give you any very specific reason for it, but I do not see why the liquor trade should be connected with grocers any more than with any other trade. It is a convenience, of course, and to stop it suddenly would be very objectionable.

3188. Then, practically, do you think it leads to mischief?—I have no doubt that in some cases it does. In some cases in our town I have no doubt it does lead to mischief, and there is a very great deal of drinking in the grocers' shops that ought to be put down more stringently than it is just now.

3189. But that might happen in a spirit seller's shop?—It might, and very likely it does.

3190. I mean, if there were no groceries sold the sale of drink might still go on?—Yes; I do not think, supposing there are irregularities in the grocery trade, that the other trade is at all free from them.

3191. Do you think that drinking is induced by people going to the grocer's shop on general business and the drink falling in their way?—I cannot speak from my own knowledge as to that. I cannot say whether people going into a grocer's shop, from the mere fact of being there, are induced to buy spirits.

3192. You have not had instances under your own notice of people taking to drink in a way that was attributed to the grocers' licences?—I do not know any specific instances.

3193. Is there any other point you would wish to state?—No, I think not. I know that the Forbes Mackenzie Act was of very great advantage with us when it was passed, as it was in other places; but it is not so strictly carried out now as it was at the beginning, and I think that if the provisions of that Act were more strictly enforced that would probably be all that was wanted to guard against irregularities both in the case of publichouses and of licensed grocers.

3194. When do your publichouses open in the morning?—At 8 o'clock, and they shut at 11 at night. I think it would be an improvement if they shut at 10, and I believe a great many of the respectable hotel-keepers think the same.

3195. I have been requested to put some questions to you. The first of these is—Are the cases of Sunday drinking to which you have referred in small shops in poor localities, or are they not?—Well, there is Sunday traffic in the town—not with any respectable grocer, certainly, but in publichouses. I should not say that all the Sunday drinking was confined to the grocers' shops or to small shops. From the information given to me, there are publichouses quite as irregular on Sunday as any of the grocers' shops are.

3196. Do the shops where you think Sunday drinking goes on have communication with the houses?—Yes, I think invariably they have.

3197. If those cases are known to the police, are they not prosecuted?—They are. I have here the prosecutions of the different trades for the last few years. In 1868, there were 3 grocers tried and 3 convicted. In 1869, there was 1 publican tried and convicted. In 1870, there was 1 publican and 1 grocer tried and convicted. In 1871, there was 1 hotel-keeper

1 publican, and 1 grocer. In 1872, 2 hotel-keepers and 1 grocer. In 1873, 1 hotel-keeper was tried and acquitted, and 3 publicans were tried, 1 of whom was convicted and 2 were acquitted. In the same year, there were 4 grocers tried, of whom 3 were convicted and 1 was acquitted. In 1874, 1 publican and 2 grocers were tried and convicted. In 1875, 2 publicans and 1 grocer were tried and convicted. In 1876, 4 grocers were tried, 3 of whom were convicted and 1 was acquitted.

3198. *Mr Campbell Swinton*.—Have these convictions generally been followed by deprivation of licence?—In some cases—not always. Most of them have only been convicted once, and with one conviction the rule with the magistrates has been to give them a warning.

3199. And with two convictions they would deprive them of the licence?—Generally speaking.

3200. *The Chairman*.—Are many cases reported but not brought forward from want of evidence?—A great many. It is a very difficult town to deal with. The sheriff here knows the locality—that it is a straggling town with three or four long streets running out so that it is very difficult of supervision by the police. It is not compactly built by any means, and our police force is not very strong. I am satisfied, both from my own knowledge and from information I have obtained, that there are a very great many cases which ought to be prosecuted, but cannot be prosecuted for want of evidence clear enough to the mind of the magistrates, because our magistrates, like others, do not like to convict unless the evidence is particularly strong. It is only very strong cases indeed that are brought up.

3201. *Mr M'Lagan*.—Are the grocers in your neighbourhood in the habit of sending out carts to hawk spirits?—I do not think they hawk spirits. They send out carts with goods to their customers, of course, and spirits amongst the rest, but I never heard any instance of hawking spirits by retail.

3202. The spirits which they do take out have been ordered before being sent away?—I think so in every instance. So far as my knowledge goes, there has been no complaint whatever of selling whisky on the road.

3203. Have you ever heard any complaints from working men about their wives getting drink from grocers illegally?—I have heard no complaints personally, but of course every one has his own story about that. I hear people saying that they know instances, but I cannot speak personally on the subject.

3204. You have only heard it as a general report?—Quite so.

82. REV. THOMAS I. BALL, All Saints' Episcopal Church, Edinburgh, examined.

3205. *The Chairman*.—You have come here to give us some information as to the working of the grocers' licences?—Yes, but my experience in the matter has nothing to with the city of Edinburgh.

3206. What has your experience been?—In 1866 I went to live in the small village of Cove, near Aberdeen. I lived there for eight years. During two years I lived behind a licensed grocer's shop, and the owner of it was my landlord. I know that drinking went on there in the shop very nearly every day, just as much as if the place had been licensed for drink to be consumed on the premises; and every Saturday night we had a regular revel in the shop. The fishermen used to meet there, and hold regular Bacchanalian feasts, and the door between my premises and the shop was often in danger of being broken down by the riotous drunkards on the other side—a very unpleasant residence indeed; but there was no other residence to be had, so I had to put up with it. I should say that the owner of the shop was also the owner of the hotel in the place. The hotel was only a few yards from the shop, and was licensed for the sale of drink. At the time I went to live there, that man was the only licensed grocer in the place; but a year or two after-

wards a new grocer's shop was built, and then that was licensed as well, so that we had the hotel or public-house,—I don't know exactly which licence it had,—this licensed grocer behind whose shop I lived, and a third licensed house. At first everything went on apparently very regularly and properly at the new licensed grocer's. I have seen a carter, who had a glass of beer given to him for bringing goods to the place, come out ostentatiously to the open door, and drink his beer, to show how properly everything was done; but I happened one night to go in about 9 o'clock, and I found a very comfortable drinking party seated in the shop, drinking both beer and spirits. I looked purposely at the liquors being drunk to show that I noticed what was going on, and the person in the shop said she hoped I would say nothing about it. I made no remarks. After that I took the opportunity of going in to see what was going on, and when I went in I always found the same drinking in process.

3207. Was there no policeman stationed there?—No, there was none; and the policeman when he did come generally came in the middle of the day, when everything was quiet. It was not till 8 or 9 o'clock at night that those things took place. On one occasion, when he was there specially to take care of us, because we were in danger of something or other, I saw him himself drunk in the street.

3208. Why did you not appeal to the chief constable?—Well, it was very difficult, because the people loved to have it so, and I should simply have had everybody in the place as my enemy. Besides, I was not a policeman, and I thought I would let matters alone. That struck me while I was there as the great difficulty in the matter. It was in one way or another everybody's interest to protect this drinking. Nobody cared to tell of anybody else, some out of kindness, and some out of fear. Either they were in the power of some one else, or they were friends of some one else.

3209. In fact, the way in which things were carried on made it as if there were three publichouses in the place instead of one?—Precisely. It was exactly so, except that in the recognised publichouse the drinking went on at any time, and in the other houses they were careful to keep it till evening or after dark; but occasionally in the grocer's shop behind which I lived, if there was a wet stormy day, and no danger of the policeman being there, the drinking would go on all day long. There might just as well have been no restriction in the matter, for all the observance of the law.

3210. Then I suppose a good deal of liquor would be taken away besides what was drunk in the house?—A very great deal.

3211. Cove is a fishing-place?—Yes. The way into which the matter divided itself was this. The licensed grocer, behind whom I lived, had most of the fishers' custom. Then the new licensed grocer catered for the custom of the quarriers and the country people, and that was how the matter was divided between them. At the new shop they rather snubbed the fishermen, and turned them out because they were somewhat noisy and troublesome and did not pay very well; and the other grocer took them in. I have seen fishers drinking at the new shop, but as a rule it was the country people and the quarriers. I have also seen a party of farmers come out of the back-shop, and you could see what was in the back-shop, viz., bottles and glasses.

3212. Was it an exceptionally hard-drinking place?—I don't think so, from what I knew. I knew a good deal of the places round about it, and I don't think it was exceptionally so. It was a very hard-drinking place, but I don't think we were worse than our neighbours in any respect.

3213. *Mr Ferguson*.—How far is Cove from Aberdeen?—About 4½ miles.

3214. And it is in the county of Kincardine?—Yes.

3215. Is it a place of great resort for parties making excursions from Aberdeen?—Yes.

3216. Can you tell us how they behaved?—When they came out from Aberdeen they were entitled to be considered as travellers, and consequently the Sunday

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Rev. Thomas I. Ball.

EDINBURGH. traffic and Sunday drinking was something tremendous. The place was like a fair on a fine Sunday—people from Aberdeen rolling drunk all over the streets; and at both the shops the doors used to be mysteriously open on the Sunday, and people were going in or out. At the second grocer's shop, by way of being more respectable, it was the house door that used to be open on the Sunday.

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3217. Was there communication between that house and the shop?—Yes, the person to whom it belonged lived over the shop.

3218. *The Chairman*.—And there were strangers going in and out?—Yes; excursionists—family parties you could see—going out and in. The sight at Cove station on the evening of any holiday, was something to see. It would be too much to say that everybody was drunk, but nearly every other person was drunk.

3219. *Mr M'Lagan*.—And you were no worse than your neighbours?—Well, I don't think we were.

3220. It must be a very drunken district?—I am afraid that is only too true. Of course, one disadvantage was that the policeman was so far off. And yet I am not sure from what I noticed that it was a disadvantage, or made any difference after all, but it had to be taken into consideration. We were 1½ miles, I think, from the police station.

3221. What was the population of the village of Cove?—The population of the neighbourhood was reckoned at between 600 and 700.

3222. Have you seen anything of this sort in Edinburgh?—I have not come across it in Edinburgh. I cannot say that I know anything about it; but at Cove I lived in the middle of the people for eight years, and knew everything that went on.

3223. *Mr Ferguson*.—When did you come to Edinburgh?—Last year. I ought to mention that the proprietrix of the quarriers' drinking shop was summoned. She had quarrelled with somebody in the neighbourhood, who laid an information against her, and she was summoned, fined, and warned; but that made not the least difference. I myself saw the drinking going on in the shop just as it had done before.

3224. Your own landlord never was summoned?—Never, so far as I know. Those things were kept quiet. I might not have heard of it, but I think I should.

3225. *Mr M'Lagan*.—Do you think it was the supply that created the demand, or the demand that created the supply?—I think the supply and the demand used to act and re-act upon each other. I know that some of the people there, who wished to change their lives and become sober, used to lay the blame very strongly on the shops; but, then of course, that was not conclusive evidence.

3226. From your own experience and observation, do you think that if there had been no licensed grocers there, there would have been as much drunkenness?—Well, there was a neighbouring village, where the man who acted for the proprietor would never allow a licensed house, and it was much more quiet. There was no publichouse or licensed grocer there, and no opportunity of getting drink, and it was a much more sober place than Cove.

3227. *Mr Ferguson*.—Did the people come from that village to Cove?—Yes, a great deal.

3228. How far was it from Cove?—About 1½ miles.

3229. You spoke of the quarriers; are they generally a rough and drunken lot?—Yes, but the country people did not seem very much better. The quarriers lived altogether, and it was easy to identify a quarrier; but from what I knew of the country people—and I knew them pretty well—I don't think the quarriers were any worse than the country people, as a body.

3230. *Mr M'Lagan*.—If the houses had been all publichouses and not licensed grocers' shops, do you think that the drunkenness would have been as great?—I should think it would have been rather greater, because it could have been done more openly, and would have gone on all day long.

3231. Then the people there were not what you might call respectable lovers of drink. They would go to the publichouse as soon as to the grocers?—Yes;

I don't think there was any feeling of that kind about it. There was no concealment at all.

3232. Was there much home drinking of liquor got from the grocers?—Well, it was not necessary. I cannot help thinking that there would have been a good deal if it had been stopped at the grocer's, because the people would have taken the liquor home; but it would perhaps have been not quite so easy. If they had not been able to consume the drink in the shop, it would, have made the thing a little more difficult, but I don't think it would have made a very great difference.

3233. *Mr Campbell Swinton*.—Have you any decided opinion as to the propriety or the reverse of refusing licenses to grocers as grocers?—As the law stands, one or other of two things ought to be done,—either the licences should be refused altogether, or the law at present should be enforced. The law is simply a mere dead letter.

3234. Yes; but as to the preference between grocers' shops and publichouses, you don't think there is much to choose between the one and the other?—I have tried to make up my mind about that, but I have not been able to do so. I have thought about it, and it seems very difficult, because if the people want to drink they will drink, and they would probably take it home, if they did not obtain it at the grocer's shop.

3235. *Mr M'Lagan*.—You have not thought whether it would be advisable to separate the sale of liquors from the sale of groceries?—No. I have not an opinion of my own, but I know that in the opinion of people who were trying to reform themselves—and I came across a good many who professed a desire to reform themselves—they strongly thought that the two trades should be separated.

3236. *The Chairman*.—Did they think that the union of the trades tempted them to drink?—Yes; and I have heard them speak with respect to their wives to this effect, that having beforehand an inclination to drink, and having to go to the grocer's for necessary articles, they were tempted to take drams from the easiness of the thing; they had to go to the shop, and there the drams were.

3237. Is that a thing which has often been said to you?—Yes, several times.

3238. *Mr Ferguson*.—Was there a good deal of drinking amongst the women as well as amongst the men?—Yes, a great deal.

3239. Was it increasing latterly during the time you were there?—Yes, I thought it was decidedly increasing.

3240. *The Chairman*.—It has been suggested that I should ask you whether, if the grocers had refused to supply the crowds who came from Aberdeen, those crowds would not have become violent towards the grocers, and taken violent means to obtain supplies of drink?—Not so long as the publichouse was open. I think they would all have gone on to the publichouse.

3241. *Mr Campbell Swinton*.—Why do you think they preferred the grocer's shop to the publichouse?—I think the excursionists preferred it, because it could be done more quietly. The inhabitants there had no feeling of privacy at all about it; but I think the excursionists formed a little more respectable class, and liked to be quieter.

3242. And possibly they knew they would get better drink at the grocers?—Yes; and one of the grocers had the reputation of having better drink than the publichouse had.

83. Mr WILLIAM MACKAY, Superintendent of Police, Galashiels, examined.

3243. *The Chairman*.—What is the number of licensed houses in Galashiels?—We have 4 hotels, 7 publichouses, 22 grocers who sell whisky, porter, and ale, and 3 bottlers, whose licence is just equal to a grocer's licence, only they sell wholesale and retail.

3244. *Mr Campbell Swinton*.—And they have no

groceries?—No groceries. The bottler buys ale, bottles it, and sells it.

3245. *Mr Ferguson*.—But these bottlers do not deal in spirits?—No.

3246. *The Chairman*.—Is the number of licensed houses on the increase or is it diminishing?—It is diminishing. But I may state that last year we had an extension of the burgh, which brought in from the county one publichouse and four licensed grocers, so that the number would appear greater on a comparison with the licences in existence five years ago, while in reality there are two less than there were five years ago, viz., one grocer's licence and one publichouse licence.

3247. Are the magistrates reducing the number?—They have a desire to do so, and have used every lawful means to reduce the number so far as possible.

3248. Are they granting no new licences?—They have not granted any new licences for some years in Galashiels—that is to say, not speaking of the extended burgh, because some obtained licences last year from the justices, not from the magistrates, previous to being taken into the burgh of Galashiels.

3249. Have most of the large grocers in Galashiels got the licence?—We have a good many grocers who have no licence. Most of the grocery business done in Galashiels, apart from the trade in spirits and ale, is done by co-operative stores. We have some of those stores turning over between £20,000 and £30,000 a year.

3250. Are most of the unlicensed houses co-operative stores?—No, not co-operative, but we have four or five of those which do a large business.

3251. Are many of your licensed grocers more spirit sellers than grocers?—I am sorry to say that some of them do more selling spirits than selling groceries, but that is not on a very extensive scale with us. It does take place, and I may state in support of that, speaking of the five years ending in May 1877, that in 1873 we had 3 grocers convicted; in 1874, 1; in 1875, 1; in 1876, 2; in 1877, 1.

3252. I did not mean to ask whether your grocers were evading the law, but whether you had some licensed grocers whose spirit selling was the chief part of their business?—We have. I misunderstood your question.

3253. Have you known any man licensed as a grocer who had not been previously a grocer, and who took up the trade and opened a shop for the sake of the spirit selling?—Yes, and I can instance one case. There is a gentleman—I cannot say whether he had been bred to the business when young, but he left a good situation, in a bank in the town, bought a grocer's business, and started it. He has now a good grocer's business.

3254. Does he do a good grocery business besides his spirit business?—Yes, and a very respectable business.

3255. As you mentioned just now, you have had some convictions against grocers. Have you many reports made to you which you do not prosecute?—We have. I reported several cases myself not long ago to our fiscal, that were not dealt with just from the difficulty of getting sufficient evidence.

3256. He did not think your evidence sufficient?—That is so.

3257. Are the magistrates severe when cases are proved?—They are pretty severe. The reduction of the publichouse was through the magistrates taking the licence from it.

3258. But have you frequent reason to believe that the law is evaded in the grocers' shops?—I have no doubt it is, and it is a most difficult thing to get at them in the present state of the law.

3259. What are your grounds for thinking that the law is evaded?—We have several grocers in our town who I see plainly do not do a grocer's business, and I see people frequently visiting their shops and leaving them carrying no groceries, and I know they are not such people as would be going in and giving a large order,—I know that if they had got goods of any kind, they would be carrying them along with them. That is one reason why I think those grocers do not do a legitimate business.

3260. Would you, if the law allowed you, follow customers into the grocers' shops to see what they were doing there?—I would in certain cases if I thought they were going in to get drink. I have often done so. I have often followed them, and have sometimes succeeded. I think we ought to have the same power to enter a grocer's shop which we have to enter a publichouse. That is my own feeling.

3261. Do the people seem to prefer to go to the grocer's shop for their spirits rather than to the publichouse?—A certain class does so.

3262. What class is that?—For instance, the wives of working men, who buy small quantities of liquor, would rather go to a grocer's shop. There is an impression, whether it is right or not, that grocers keep better whisky than publicans generally keep, and that accounts, to my mind, for their going there.

3263. Do you think it has nothing to do with a desire to get it quietly?—I believe there is something in that too.

3264. Have you ever heard actual complaints made by men as to their wives getting drink from the grocers against their will and without their knowledge?—Yes; I have heard complaints of that sort by working men, and not very long ago I had one, but I cannot say it has been a general complaint to me.

3265. Not frequently?—No.

3266. Well, you are not the party to whom they would naturally complain?—No, I do not think I am. I have seen signs, however, which would make me suspicious, but that of course goes for very little.

3267. Do many of the grocers in Galashiels send out carts into the country?—We have in all eight grocers who send out groceries or goods to the country.

3268. Do you suppose that their carts go several days in the week?—I cannot state the exact number of days they go, but each of them goes perhaps one or two days.

3269. Then that would form an additional source of supply to the district around besides the houses which the magistrates consider sufficient?—It would; and I may mention that I saw an instance of a Galashiels grocer being fined some time ago for hawking drink near the water-works in the county of Selkirk. That is the only instance I know of, and I do not believe that they hawk whisky in the country. I think the most of the goods are ordered by customers beforehand.

3270. Have any of those co-operative stores in Galashiels applied for licences?—None.

3271. Do you think that the working people to whom they belong have determined not to have licences?—I think they have.

3272. *Mr McLagan*.—What are your instructions to the members of your corps as to visiting publichouses?—To visit them if they see anything wrong in any way—if they think there is anything to lead to a breach of the law, or if they believe that such is being carried on within any house, whether a publichouse or grocer's shop.

3273. They have the power at present, as regards grocers' shops, if they have reason to believe that anything is wrong. They have greater power as regards publichouses, but you only tell them to visit publichouses if they have reason to believe there is anything wrong?—Yes. I would not consider it advisable to tell my men to visit publichouses unless they thought there was something wrong.

3274. But you said you would have a change in the law as regards grocers. You have the power already to visit their shops if you have reason to believe there is anything wrong?—Yes, but I would like the same power we have in regard to publichouses.

3275. According to yourself, you have that power?—No, we have not.

3276. You only tell your men to go in if they think there is anything wrong?—They can go in without thinking there is anything wrong, but at the same time I would not like them to go and be an annoyance, unless they thought it right to go there in the belief that there was some violation or breach of certificate.

3277. I want to know what would be the effect if

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William Mackay.

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William Mackay.

3278. *Sheriff Crichton*.—Have you anything to suggest in regard to the amendment of the law?—My own view as to the law is that it will be advisable, if possible, that the grocery and spirit trades should be separated. I would have no objection to give a man a licence for a grocer's shop and a licence to sell spirits next door if he thought they would pay him, because if that was done it would be known what you were going in to buy. In the case of a working man's wife, if she was seen when she was going in it would be known that she was going to buy drink. At present she may go under cover of buying groceries and buy drink. I am not here to say whether such is the case or not, but so it is said and it may happen. I think that what I have proposed would go far to prevent that kind of drinking at least.

3279. Have you any suggestion about the hours?—I consider that the hours for grocers' shops should be from 8 to 8. I think that would be fair. If not, make them from 8 to 10 and make the publichouses the same. Give them equal hours to sell, and do not allow the grocers to open their premises at any time except when they can sell groceries or anything else. They can open now to sell groceries at 6 o'clock. They are not allowed to sell spirits until 8, and that, I think, is not a good arrangement.

3280. Do you know of any evasion by grocers between 6 and 8?—I have known cases, and have had cases before the court—not since I went to Galashiels, but previous to that.

3281. Do you think there is any evasion of the law in that respect in Galashiels?—I have had none under my notice.

3282. *Mr Ferguson*.—It has been denied to us that there is such a thing in Galashiels, as licensed grocers supplying working men's wives with liquor and marking it down as goods. Can you give us any information as to that?—There was a case reported in our local paper. I was in the Small Debt Court at the time it was tried; and it will show there is some reason for the assertion. It was a case brought by a Mrs Hood, in 1875, against a baker, who denied a number of the items that were entered in the pass-book. He said there might be a few pints and bottles of whisky against him, but he was certain there could not be the amount charged. The pursuer was put on oath, and stated that a number of the sums charged there as goods were for drink. Her own words were to this effect:—'Mrs Hood answered that the entries of goods were for whisky and Bass bitter beer supplied by her to defender. In reply to the sheriff, she said she did not know why, but it was the custom to enter whisky and beer in her books as goods.'

3283. You said you would be in favour of completely separating the trades, but in the event of that not being found possible, it would, in your opinion, be an improvement to limit the quantity sold, and to require it to be sold in corked bottles?—I do not think that selling drink in sealed bottles would be of much good, if you confine it to a pint bottle. The majority of poor people will perhaps not buy above a gill at a time; and you would just compel them to buy double the quantity they would otherwise buy. Now, I think that would lead to drunkenness instead of having a different effect. If you seal the bottles, the minimum should be a gill.

3284. Do you think that would decrease drinking in the shops?—I think it would do a certain amount of good. But it appears to me that no alteration of the law would be satisfactory unless you separate the grocery and spirit trades, and there would be difficulty and hardship in attempting to do that.

3285. How long have you been in Galashiels?—About six years.

3286. During that time have you formed any opinion as to whether drunkenness is increasing amongst the working classes?—I do not think so. I think Galashiels, generally speaking, is a sober town, and I do not think drunkenness is increasing. I can give some figures to show what the state of matters is.

3287. Do you think it is increasing amongst the better classes?—I do not think it is increasing amongst any class. The figures I referred to are as follows:—

Year ending 15th May.	Drunk when Apprehended.	Total Cases Dealt with.
1873	145	266
1874	127	318
1875	165	335
1876	191	439
1877	232	496

3288. That would rather show an increase?—A slight increase, but the extension of the burgh accounts for it. The burgh was extended in August 1876. I may state that we have a great number of navvies in the town just now, employed at the water-works, and they are rather wild fellows, and use a large quantity of drink.

3289. Do you know of any cases in which servant girls or customers have been treated when going to the shops for groceries?—No, I cannot say that.

3290. *The Chairman*.—I have been requested to ask you whether there has been any case of a conviction of a policeman for being treated by a grocer?—No; I have heard of such a thing, but I do not think it exists to any extent in Galashiels. If it did exist I would hear of it in some way or other. If the parties connected with it did not tell me, I would hear of it from some other person or by some anonymous letter.

3291. When you say the law is evaded, you mean that to apply to some of the grocers only?—I do.

3292. In the case you referred to, where goods were entered instead of spirits, do you think that was done with the intention to deceive?—That was my impression at the time I heard the case.

3293. Another question has been suggested. If the grocers were not to be deprived of their licences, but were obliged to sell their drink in a separate shop, would it not be quite easy to order anything in the grocery shop without exciting suspicion?—I do not think so. If you look at it in that way there is nothing impossible, but I think that would be a healthy check.

84. Mr ARCHIBALD CAMPBELL, Clerk of the Peace for the County of the City of Edinburgh, examined.

3294. *The Chairman*.—Are you able to tell us whether there have occurred, in the Small Debt Court of the city of Edinburgh, cases similar to those mentioned by Mr Gillespie in the County Court, of grocers trying to recover for accounts in which were items for spirits?—Yes.

3295. Have there been cases in Edinburgh in which spirits have been entered under other names?—Such cases have been of very rare occurrence. I have been connected with the Small Debt Court for above twenty years, and I am pretty safe in saying that during all that time we have not had more than from six to ten such cases.

3296. In those cases were the spirits entered under other names?—It was so alleged; the entries appeared as goods, and the justices of course disallowed the sums charged.

3297. *Sheriff Crichton*.—How many cases have you on the average in a year?—During the last ten years we have had on an average over 2000 cases a year, but of those only one-tenth or so would be for grocers' accounts.

3298. *The Chairman*.—Have you had many cases for recovery of grocers' accounts in the course of last year or two?—I should think that the number must have been about the same in each year during the whole time.

3299. *Sheriff Crichton*.—And the six or ten cases to which you have referred are not of old date; they are spread over the whole period?—Yes.

3300. *The Chairman*.—Have you many cases of actions for recovery of money but in small sums?—A considerable number.

3301. Can you give us any idea of the number?—I cannot.

3302. Would they be as numerous as the actions for recovery of grocers' accounts?—I should think not.

3303. Has your attention been called to them particularly on account of their peculiar character?—I cannot say it has.

3304. Mr Gillespie connected the increased number of such actions with the disallowance of items for spirits by the justices in the grocers' accounts. Have you any such idea?—I have not. I believe those loans are obtained chiefly to meet rents,—more to pay rents than to meet grocers' accounts.

3305. Mr Ferguson.—Was there a special agreement in connection with the loans?—Yes. Bills are granted by the parties receiving the loans, and they also grant a back letter to the lender binding themselves to pay a penalty in the event of failure to pay instalments regularly.

3306. The Chairman.—I suppose you act as clerk to the licensing committee under Dr Cameron's Act?—Yes, to the joint committee.

3307. How many members does that committee consist of?—Six,—three magistrates and three justices.

3308. Have they in many cases over-ruled the decisions of the magistrates?—They have only held one meeting,—in April this year,—and they over-ruled the decisions of the magistrates in almost all the cases that came before them.

3309. Did many of those cases relate to grocers' licences?—There were 5 grocers' licences and 1 public-house licence refused, and 2 hotel licences and 1 grocer's licence confirmed.

3310. Can you remember on what grounds the grocers' licences were refused?—They were all refused because the committee thought that such licences were not required in the particular districts.

3311. That the licensed houses were numerous enough already?—Yes.

3312. Mr Campbell Swinton.—In those cases where this confirming court has to review the decisions of the magistrates, do the magistrates stick to their own opinion, and does the new element over-rule them?—The new element cannot over-rule them, because the senior magistrate present has a casting-vote.

3313. The representation has been made to us that the licensing magistrates are over-borne by this new court. That is scarcely consistent with fact?—If they be all present the senior magistrate presides, and he has a casting-vote, so that the decisions of the magistrates cannot be over-borne.

3314. The Chairman.—What was alleged was that the particular magistrates who had granted the licence might not be members of the court, as the magistrates divide the city amongst themselves for the purpose of inspecting new premises?—But when the causes are being heard the magistrates are presumed to be all present, and if they have been unanimous in the granting they can still confirm.

3315. Mr M'Lagan.—Has your professional experience led you to form any opinion as to the advisability of giving licences to grocers?—I have not formed any opinion upon that.

3316. The Chairman.—I am requested to put a question or two to you. Have any grocers' licences been granted where publichouse certificates were asked?—I cannot tax my memory with any case, but I will be glad to look up our records and furnish the desired information.

3317. The statement was made by another witness that at last April sessions a man who had been a gardener got a licence from the joint committee, while other applicants who had been bred to the trade and were otherwise suitable, were refused. Do you know of such a case?—It is not the case. The information on which the question is based is inaccurate.

3318. Mr Campbell Swinton.—We were told he had been a gardener in Princes Street Gardens.—Mr Fletcher, who was forester for the city at the Meadows, applied to the magistrates for a grocer's certificate for premises in one of the new streets off Leith Walk, and

the magistrates granted the certificate, but the confirming committee refused to confirm it. I should add that the magistrates granted a certificate to a lady for a grocer's shop immediately opposite the one that Fletcher has. They did not grant one and refuse another at the same place. They granted both, and the confirming committee refused to confirm either of them.

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85. Mr JOHN NISBET, Shoemaker, 218 High Street, examined.

John Nisbet.

3319. The Chairman.—Living in High Street, have you had under your observation evasions of the law by licensed grocers?—I cannot say I have had in High Street, but in a district of the town in which I lived for a number of years a number of cases of evasion came under my notice.

3320. In what years did you live in that other district?—I lived in the Causewayside district for seven years previous to April 1875.

3321. What went on there?—The evasions that came more particularly under my notice consisted of Sunday morning selling. From my back garden it was quite common to see parties coming and going over the area of a shop which was there situated, and getting drink on the Sunday mornings. At other times I have seen an empty bottle let down from an outside stair by twine, along with the money, and sent up again full. Indeed, it made the place very disreputable on the Sunday mornings.

3322. Did you see backshop drinking?—No, I did not see backshop drinking, but I saw evidence which led me to believe it went on. I saw no cases of it personally.

3323. What sort of evidence did you see?—Numbers of carters stopping at the door with their carts, both empty and loaded, and going in there, and the same with cabmen. That occurred at various shops in the district, and with no reasonable purpose, because they were carrying no parcel when they left.

3324. Was that before 8 o'clock in the morning?—No, at different hours through the day.

3325. Have you observed any evil effects upon women or children, connected with the liquor trade by grocers?—Yes, I have. I have seen a great deal of drunkenness amongst the women of that district, and I have seen the women themselves getting drunk on the Sunday morning in the way I have stated. There was one case that came very strongly under my own observation. A message boy whom I had got absolutely inebriated once or twice, and when I asked where he got the drink, he said he had got it at the grocer's shop. I had to send him home inebriated.

3326. Did he say he had drunk the liquor in the shop?—No, it had been brought out in a bottle, and a number of them partook of it in an entry.

3327. A number of boys?—Yes.

3328. How old was he?—From eleven to thirteen years of age.

3329. Sheriff Crichton.—Had he gone to the grocer's shop and got it himself?—Yes.

3330. The Chairman.—Was this a small shop?—No, it was a very fair medium shop,—a medium business I should say.

3331. Were the licensed grocers' shops very numerous in the quarter where you lived?—Pretty numerous. These were of a similar class.

3332. What other effects upon children did you see?—Well, I have seen a good deal of drinking amongst children on the streets of Edinburgh, but I cannot say that was directly traceable to grocers. I merely speak of the general fact of drinking amongst children, and at the present day plenty of it is to be seen, especially in High Street on a Saturday evening. If you go there on any Saturday night you will see numbers of children, from 12 to 14 or 15 years of age, both boys and girls, inebriated.

3333. Do you know if they get the drink from the grocers?—I cannot say they do.

EDINBURGH. 3334. They may get it anywhere?—Yes. I would like to refer to some statements that have been made before the Commission in regard to the condition of our streets,—to the effect that they are much better than they were some years ago. So far as the High Street is concerned, that is not the case. Profligacy and drunkenness, I think, never were in such a condition as at the present time, and on the Saturday evening the evidence of it is overwhelming. To prove that they are on the increase, I have a few figures drawn from Mr Linton's reports, relative to the number of persons charged with crime and drunk when it was committed, during the three years before the passing of the Forbes Mackenzie Act, and during the last three years.

1852,	3400 cases.	1874,	4443 cases.
1853,	4003 „	1875,	4672 „
1854,	3566 „	1876,	4803 „
Total,	10,969	Total,	13,918
Increase on the three years, 2949.			

It is more conclusive if we take the percentage of persons apprehended and in a state of drunkenness, as compared with the total apprehensions for the same period.

	Drunk when apprehended.		Drunk when apprehended.
1852,	37 per cent.	1874,	56 per cent.
1853,	41 „	1875,	54 „
1854,	44 „	1876,	54 „

Being a net average increase of 14 per cent. for the latter period over the former.

3335. *Mr M'Lagan*.—Do you know what the population was in the two periods respectively?—I cannot state the exact population: I know there has been an increase. The Commission have had evidence given before them in regard to the increase on the consumption of tea, coffee, sugar, and butter. Now, at the time of the passing of the Forbes Mackenzie Act, you will find that tea and sugar were nearly double their present price, and therefore the people can consume double the quantity without any necessary increase of prosperity.

3336. *The Chairman*.—That would not be true of butter?—No, but it would be true of tea and sugar. It is the opposite with regard to whisky, because at that time it was 2½d. or 3d. per gill, while now it is 7d., and yet the consumption has doubled.

3337. Is it true that the consumption of spirits has doubled?—It has nearly doubled since the passing of the Forbes Mackenzie Act.

3338. *Mr M'Laren* stated it had increased from 1½ gallons per head of the population to about 2½?—That is correct, I think. Then we have had building societies and savings bank statistics referred to as proving our prosperity; but we have now a largely increased temperance population in this and other cities, and I am certain that they form a very much larger ratio of the customers of the savings bank (I am speaking of the working classes) than do the consumers of spirits. And so with the building societies. There are at present two Building Societies within my own knowledge in which all the members are temperance men.

3339. Are those societies numerous?—No; but they built tenements of houses which they were to occupy themselves.

3340. *Mr Campbell Swinton*.—Is not the large increase in those temperance men a proof of amendment and greater sobriety on the part of the population?—That is true; but I believe that the police returns and what I see with my own eyes, prove that the other side is increasing as rapidly as we are, and of course we are always making from the middlemen. I do not think the grocer can claim a share in the good that is being done amongst the community, because, if you look to the number of societies we have—many of them instituted since the passing of the Forbes Mackenzie Act, for the purpose of preventing crime and saving children from falling into drunken and vicious habits—the effort that has been put forth in that way is so strong

that the good which is being done must be all or mostly attributable to those associations, viz., reformatories, industrial schools, societies for ameliorating the condition of the poor, Sunday breakfasts, training ships, dinners for neglected children, Sunday schools, and temperance societies.

3341. *The Chairman*.—Are you able to speak, from cases within your own knowledge, of the feeling of working men on this subject?—Yes, I am.

3342. Have any large number of working men spoken to you on the subject?—I can hardly limit the number who have spoken to me, and to whom I have spoken myself, having a great interest in the temperance movement.

3343. I do not mean the temperance movement, but as to the effect of the grocers' licence?—Well, that has come up in due course. Many working men who spoke to me quite agree that the grocers' licence should be separated from the sale of provisions, though themselves customers of those shops.

3344. What reasons do they give?—The facilities for women obtaining drink.

3345. *Mr Campbell Swinton*.—Do they go the length of thinking the publichouse a less evil than the grocers' licence?—In that respect they do. I have one case specially in my mind at this moment where a comparatively young man told me he was certain his wife would not have gone astray if she had had in the beginning to go to the publichouse for her liquor. I have myself observed that when women go even to the grocers' shop for spirits, they are very careful to conceal the bottle, showing that they do not like it to be known what they are going there for. I have seen them concealing it in all conceivable ways.

3346. You are sure you have not put the idea into men's heads by asking them, 'Don't you think it is a very bad thing?' so as to bring out an affirmative answer?—No, I have not.

3347. The men have said it to you of their own accord?—Perfectly sure, in the general discussion of the question.

3348. We understand you are interested in the temperance movement, and come here as a total abstinence?—Yes.

3349. *Mr M'Lagan*.—Then you would be for the abolition of all licences?—Most assuredly.

3350. And perhaps you go at the grocers' licences because they are at present vulnerable?—Well, I believe them to be more pernicious amongst the poorer classes than is the publichouse, from the fact that credit can be got there; and I have known cases where families have been on the spree, and have been kept on it longer than they otherwise would have been, by the credit they got from the grocer.

3351. Then of the two—the grocer's and the public-house licence—you would rather see the grocer's licence done away with?—I believe it is the more pernicious of the two, but I should like to see both done away with.

3352. Certainly you would rather see the more pernicious done away with first?—I have no objection to its being done away with first. I would prefer to see it done away with first; I believe it is only in detail that we will get rid of them.

3353. *The Chairman*.—Have you any statistics of the number of total abstainers in Edinburgh?—From 15,000 to 20,000 I think, but I can furnish official information.

3354. *Mr Campbell Swinton*.—Men and women?—Men, women, and children.

3355. *Mr M'Lagan*.—Are there more men than women total abstainers?—I can hardly answer that. I think they are pretty equally divided.

3356. *The Chairman*.—I suppose you did not think it was part of your business to give information to the police as to breaches of the law?—No.

3357. *Mr Campbell Swinton*.—In the case of the errand-boy you spoke of, do you think the grocer would have any means of knowing whether he was buying drink for his own use, or was only a messenger?—He would not, but I complained of the first case to him, and it was repeated. I cannot say, however,

whether on the second occasion the boy himself or one of the other boys had gone for the drink.

3358. *Mr M'Lagan*.—Did he get the drink in an open vessel?—He got it in an open bottle.

3359. *The Chairman*.—When you saw carters going into the shop and coming away without carrying anything, it is possible they may have had a small bottle in their pocket?—It is possible, but very improbable, I think.

3360. *Mr Campbell Swinton*.—In such cases, would the carts be standing a good while at the door?—Yes.

3361. Longer than was necessary for the man to go in and get anything he wanted and come out again?—Yes.

86. *Mr JOHN WIGHT ROBERTSON*, Licensed Grocer, 25 Forrest Road, Edinburgh, examined.

3362. *The Chairman*.—What have you to say upon the subject of our inquiry—the working of the grocers' licences?—I may say, in the first place, that I have always considered it very unfortunate for the bred grocer that his trade was so much mixed up with the liquor traffic. I am referring to the lad who has been trained to the trade, served an apprenticeship to it, and followed it out. I came to that conclusion from the experience I have had as member of the committee of an association in connection with the trade for the promotion of early closing, through which I have come in contact with a great many grocers. In the first place, as the law at present stands, many applicants bred to the business, and in every way suitable, may, and indeed are, refused licences. I hold that to be a great grievance—that a man may be sent by his parents to learn the trade, and may make it his study to become proficient in it, and yet be refused the principal means of succeeding in the business, for in fact no reason whatever.

3363. *Mr Campbell Swinton*.—You mean, from the magistrates thinking there are a sufficient number of licences already?—Yes.

3364. *The Chairman*.—But from no reason against him?—No reason against him. It is unfortunate for him that he should have learned the trade.

3365. Is it the case that a grocer stands a bad chance in commencing business if he has to do so without the licence?—Undoubtedly. The licensed grocer has the best chance if he knows his business, though I am bound in fairness to say there are many unlicensed grocers who succeed, and some of our largest businesses in Edinburgh are unlicensed; but those, I believe, are exceptions.

3366. Is that because the profit is bare upon groceries?—There is a smaller percentage of profit than upon liquor. I have come to the conclusion that the excessively long hours in the trade have been caused by the licensed grocers keeping open to a late hour to compete with the publicans. That happens pretty frequently in the poorer localities, and those localities affect all the other parts of the town. In a street such as the West Port, running into Earl Grey Street and Leven Street, where there are good shops, if one man keeps open another is forced to do the same. I hold that another great grievance is, that it opens the door for, I would almost say, the incapables of almost every conceivable occupation in the country to enter the trade, who would never have entered it if they had had to carry it on against a grocer thoroughly trained to his business. A large proportion of those men would never enter the trade if they had not the prospect of getting a licence.

3367. The established grocers, I suppose, would rather like that no one should get a licence who had not served an apprenticeship?—I should think so. Such being my opinion, at the time the present agitation commenced, when Sir Robert Anstruther first introduced his Bill into Parliament, I ventured to give public utterance to a plan whereby the trades might

be separated and the vested interests of the present grocers respected. I hold, in opposition to so-called temperance reformers, that we have a vested interest in the trade. No doubt our licence is granted for only one year, but it is the custom in all the courts over the country that where there is no conviction it is renewed.

3368. And on the faith of long-established custom men have invested a great deal of money in fitting up their premises?—Yes, and they have spent perhaps eight or ten years of the most vigorous part of their life in making a business. It would be unfair to take that from them without compensation.

3369. But suppose it were enacted that no new licences to sell spirits should be given to grocers, but only to those who would carry on the spirit selling business separately; that would soon leave a very valuable monopoly in the hands of a few traders?—It would all depend on the number who applied for licences, and the number granted.

3370. *Mr Campbell Swinton*.—But we are speaking of the monopoly it would give to the existing men?—Yes, and that was the principal objection I had to Sir Robert Anstruther's Bill, which allowed them to die out. Those who remained until ten or twenty years hence would have a decided monopoly. I hold the opinion still that it would be better if the trades were separated than that the thing should be patched up, because all experience goes to show that when temperance agitators take up any question there is no rest for the trade, and you are liable at any moment to be sat upon. I think it right, however, to state that my object was not to reduce drunkenness, though I deplore it as much as any man does. I believe that though the grocery and spirit trades were separated to-morrow it would not effect the drinking customs one bit. I give it solely as a plan by which the trade might get out of the annoyance they are continually subjected to. My proposal was that at the end of a certain number of years no more grocers' licences should be granted, and that a new class of licences—for family wine and spirit merchants—should be granted; and that those licences should in the first instance be given only to the present licence-holders. I thought that in that way the trade would be pretty equally divided. A large number would apply for the spirit licence. Assuming that one-half of them did so, it stands to reason that you would require to prohibit publicans from selling liquor not to be consumed on the premises; so that the new class of wine and spirit dealers would do all the liquor trade done by the present licensed grocers, and those who remained at the grocery trade would be remunerated by an increased grocery business. If that were done, the trades would be separated; and if it were not done for a certain number of years, I think the grocers would not have great reason to complain. In certain districts it might be a grievance,—for instance, where there was only one shop. I do not pretend to say that the plan is perfect, or set it up as the only cure.

3371. *The Chairman*.—You think there would have to be exceptions made in small places?—Yes.

3372. In your view there might probably be a line drawn?—I have not considered it out so nicely as that, but in large towns I do not think there would be very much hardship.

3373. Have you considered what period it would be fair to fix at which the grocers' licences should cease?—At that time it was thought two years, but the grocers I have spoken to seem to think that five years would be soon enough to effect the change. There are a number of leases running for eight or ten years.

3374. Especially as there are businesses which have gone on for fifty years or more?—Yes.

3375. *Mr Campbell Swinton*.—It is a necessary part of your scheme, is it, that the publicans, if this new plan came into operation, should be prevented from selling spirits to be consumed off the premises?—Yes.

3376. Do you not think that would make them drive a more roaring trade within the premises?—I do not think it. I think a publican's legitimate trade is to supply refreshments to passers-by, and the others

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3377. You do not think it would deteriorate the character of the publican's trade?—No, I do not think it. It would lessen his trade, because I believe a number of publicans send out, which is very unfair to the licensed grocer.

3378. But there is no illegality in it?—No.

3379. *Mr M'Lagan.*—Is it unfair for a licensed grocer to send out groceries?—No, I say it is unfair for him to sell for consumption on the premises.

3380. *Mr Campbell Swinton.*—Why is it unfair for a publican to sell liquor not to be consumed on the premises when it is fair for a grocer to send out tea and sugar?—Well, the groceries could not be consumed on the premises.

3381. But, when you compare the two trades, the grocer has a monopoly of groceries, to be taken off the premises, and yet you would not give the publican a similar advantage?—I do not think the grievance is so great just now, but in the event of there being family wine and spirit merchants, selling no groceries, the publican should not be allowed to send out liquor.

3382. *Mr M'Lagan.*—Would you allow the licensed grocer of the present time, supposing he elected to take a licence afterwards, according to your scheme, to keep a grocer's shop too?—It would be advisable that his grocery shop should be at a certain distance from his spirit shop, but the expense of carrying on the business would be a sufficient guarantee, I think, that he would not attempt it.

3383. It is part of your scheme, then, that the same man should be allowed to sell groceries and spirits, though not in the same shop?—No, but if so the shops should be at a considerable distance, so as to make it inconvenient for him. That would be fair in the interest of those who did not carry on the two trades.

3384. *The Chairman.*—Have you any other point to mention?—In the event of any alteration of the law, I think there should be no restriction as to the quantity sold. I hold it is perfectly absurd, and would lead to no good end, to restrict the quantity. Indeed, if you were to restrict it, I believe it would be safe for anybody in the habit of taking more than was good for him that it should be a bottle rather than a gill, because he would think it hardly worth while to put the cork into a gill again,—he would just drink it all. So far as regards certain irregularities alleged to go on in grocers' back shops, assuming such to be the case, it would be no guarantee that a man would not violate in this as in other matters, though it was in a sealed bottle. I think that in cases of violation of the law, more stringent measures might be taken against offenders, if that were thought necessary. The first offence should be punished by a very heavy fine, and the second by forfeit of licence,—I would not care if that was for the first. Then, as to the hours of opening and closing, I think they should be left to the magistrates of the different districts to fix. I also think that no application for a certificate should be entertained by the magistrates unless the applicant produced evidence that he had served a regular apprenticeship to the business.

3385. That is to prevent any one taking up the trade unless bred to it?—Yes.

3386. But it would be different if the selling of spirits were made a separate trade?—I am speaking of things as they are.

3387. *Mr M'Lagan.*—That would be a new kind of trades' unionism, would it not?—Well, it would, to a certain extent, savour of protection. Evidence has been led here to lay the blame of certain irregularities upon small shops, but I will have to state that I know of small shops which are most properly conducted. Indeed, the smallest I know in Edinburgh is kept by a widow, who sticks to the strict record of the Forbes M'Kenzie Act.

3388. *The Chairman.*—Do you know of any the

other way?—Not personally. I never knew of any liquor being marked down as groceries in pass-books. I have spoken privately to a number of grocers I know, and their experience corresponds with my own.

3389. But perhaps it is not done by respectable grocers?—I never knew it to be done in any shop in which I have been. I may say I took occasion to ask an association of assistants drawn from all parts of the country whether they ever knew it to be done, and they had never seen it. I believe the thing has originated perhaps in some teetotaler being at the Justice of Peace Court, and hearing the words 'goods' struck out he immediately concluded it was very extensively done. The word 'goods' I believe to be put in, not for the purpose of deceiving husbands, but to evade the Tippling Act. Mr Nisbet referred to the low prices of tea and sugar now as compared with some some years ago. Now, while that is the case, I can testify to the prices of provisions having correspondingly advanced. Butcher meat is nearly double the former price. Butter, which in 1852 was 10d. per pound, is now 1s. 6d. and 1s. 8d., and cheese has almost doubled its price.

3390. Do you know the case of a grocer, referred to by the Rev. W. Adamson, who gave up his licence, as it was alleged, for conscience sake?—I do.

3391. Was that in your opinion his real reason?—I happened to know the grocer very intimately, and was a fellow assistant with him in the same shop. When he gave up the licence he said he had done so on the ground that he could not conscientiously carry it on as a Christian. I am bound to state that I consider his Christian consistency in that case very deficient, because he took a very handsome sum of money from the party who succeeded him for the stock and goodwill of the business which he gave up, as he said, on Christian principle. I may add that I believe him to be a Christian, but I know he is a member of the Evangelical Union Church, to the communion of which persons are not admitted if they are connected with the liquor traffic.

3392. Was your plan approved of by any number of grocers?—There was a meeting held for the purpose of seeing whether many licensed grocers approved of it. Only four or five thought it was practicable, and though certain resolutions embodying the scheme were put and carried, the meeting broke up without agreeing to do anything definite. One or two of the licensed grocers who favoured it,—amongst others Mr Dick, Grassmarket—thought it would be well, when the subject was being discussed, that the plan should be submitted as a suggestion to the Government. Accordingly, Mr Dick, another grocer, and I, waited upon Mr Adamson, who was going to London in connection with the matter, and asked him to lay it before the Government. But we told him then that we represented ourselves alone, and not the trade. I had never spoken to Mr Adamson before, and I have had no communication with him since on the matter.

87. Rev. ARTHUR THOMSON, Free Church, Gifford, East Lothian, examined.

3393. *The Chairman.*—Mr Thomson, you appear at our request. You were minister of Salton and Bolton Free Church from 1853 to 1874?—Yes.

3394. And of Gifford Free Church from 1874 to 1877?—Yes.

3395. During that period have you had occasion to observe the effects of the sale of spirits by licensed grocers in the villages with which you were connected?—Yes, I have observed in the villages of East and West Salton, in the parish of Salton; in the village of Samuelston, in the parish of Gladsmuir; and recently to a more limited extent in the parish of Yester, where I now labour.

3396. Is it your opinion that the system has injurious effects?—Yes, I am decidedly of that opinion.

3397. Will you explain in what respects?—I think

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it is injurious to the families of the parties who sell intoxicating liquor. I have received kindness and courtesy from all those parties, and I am very sorry to say that in a large proportion of cases—of course there are not many licensed grocers in those districts—families have been demoralized by the sale of drink, and some members of them have become notoriously victims of drink or slaves to the habit of drinking. Further, I think it has an injurious effect upon some of those who buy it, such as children who have gone to the grocer's shop, and on others who have got drink from those places in an indirect and suspicious way,—for instance, by going into a house in the village in company with two or three others, and combining and sending out for drink.

3398. Those people would not have liked to go to the publichouse openly for their drink?—I presume not. I know that is done in those villages.

3399. Have you seen many instances of women taking to drinking habits who began in this way?—Well, I do not know how they began. I know there are cases of women combining in that way, but how they began to acquire a liking for strong drink I do not know. If not originated, drinking habits are certainly much increased in this way.

3400. Are you able to state what is the prevalent opinion amongst the middle and working classes in your neighbourhood on this subject?—Of course there is a difference of opinion, but the majority of those I come in contact with,—well-disposed people, whether abstainers or non-abstainers,—are decidedly opposed to the continuance of this traffic in those little villages. My evidence refers to the villages with which I am conversant.

3401. You say the majority of people have that feeling. What is the nature of the remarks they make?—I have heard remarks of this kind, that those licensed grocers are worse than publichouses, because people who would not have the courage to go openly into a publichouse would go and get drink indirectly. They are ashamed to go openly to the publichouse, where perhaps a good many eyes are upon them, but they are not ashamed to go in this indirect way. Then, it is alleged that women meet together in the afternoons, when the men are out at work, and unite to send out for drink; and that those women would not go into a publichouse probably at first, but that afterwards, when thoroughly addicted to drink, they would do anything to get it. There is a preliminary stage when they are under the influence of shame, and those who make those remarks think this is a right kind of shame, and that the licensed grocers afford facilities for acquiring drink, and become a source of temptation.

3402. Well, there is a contrary opinion. For instance, Mr Dundas of Arniston, chairman of the licensing bench of Mid-Lothian, thinks that the grocer's licence does less harm in the villages than the publichouse does,—that it does not lead to the people going together and drinking in the same way?—I am not prepared to say that a licensed grocer does more harm than a publichouse, but in some of the villages I refer to, where there are no publichouses, there are licensed grocers that indirectly do the work of the publichouse. For instance, in one village in the parish of Gladsmuir, and another in the parish of Salton, there are no publichouses, but there are those licensed grocers,—one very much in the form of a store, and another, I believe, just a publichouse in reality, though there are a few things sold. It was substantially a publichouse. I think the publichouse certainly does a great deal of harm, but amongst women I believe a larger amount of harm is done by the licensed grocer.

3403. *Mr Campbell Swinton.*—But you would not like to see those grocers' licences taken away, and a publichouse raised in the village instead?—No, I would not; but if there was a publichouse there already, I would not like to see a licensed grocer a few yards away.

3404. *The Chairman.*—Have you reason to believe there was evasion of the law in those grocers' shops that have come under your notice?—I have no personal knowledge of evasion, except in two cases. In one

case the licence was withdrawn a few years ago; but for a dozen years before that I was constantly hearing complaints in regard to that grocer's shop. There was a more recent case,—I do not know whether it was technically a licensed grocer or not,—but it was the case of a man who had a beer licence, and drove a van through the country. He was convicted within the last 12 months. I know he has evaded the law in another way, because a young person told me he went into this man's place for lemonade, and on tasting what he got, he found it was lemonade *plus* whisky or brandy. In the other cases I must say, in justice to the parties, that in these villages I have never heard of drink being consumed on the premises.

3405. *Mr Campbell Swinton.*—But in those villages where there is no publichouse, if you take away the licence from the grocer, the result would be that people could not get drink without sending a great distance?—No, the distances in East Lothian are not great. For instance, in one case there is a publichouse within less than a mile, and in others there is a publichouse within three miles. The town of Haddington is within three miles of one of the places I refer to. In almost every parish there is a publichouse, somewhere near the centre of the parish. In the parish of Bolton, with a population of under 400, there is not a publichouse at all, but it is a long strip, half a mile broad and six miles long, and all demands are met in adjoining parishes. In every other parish I know in East Lothian there is a publichouse or small inn that serves the purpose. The parishes extend generally from 2 to 3 or 4 miles, and there is no hardship; but those licensed grocers are in almost every village,—not in all. In Salton parish, with a population of under 700, there are 2 licensed grocers and a publichouse; and in the parish of Gladsmuir, I do not know how many there are, but there was one licensed grocer in a village within 3 miles of Haddington. There might be an emergency when a person wanted brandy, but there is not a farmer or minister in East Lothian who would not give brandy to any one in such a case. In the parish of Yester, with a population of 1034, there is an inn, a publichouse, and a licensed grocer, all within less than the distance of a quarter of a mile.

3406. Does the existence of so many publichouses and grocers' shops in those country parishes lead to the use of a great deal of spirits?—I have no doubt whatever that they afford temptations. For instance, as regards that little shop in the parish of Gladsmuir, the licence was taken away by the authorities within the last two or three years, and I have heard people who are not abstainers say there had been a great improvement in the place since that time. Another objection I have to those licensed grocers is on the score of justice. In every one of those villages there are respectable and deserving people, who set up a little grocer's shop,—quite as respectable and deserving as the licensed grocer,—and they complain it is an unjust infringement upon fair trading that the licensed grocer should have all the attractions of his drink in addition to the sale of groceries. I do not see, in justice, why one respectable person should be denied the right of selling drink, and another should have it. That has been alleged to me ever since I had any interest in the question. In every one of those villages there is a sort of mania for setting up small shops, and I do not see why you should pick out one shop and license it, and withhold the licence from another a few yards off, which perhaps belongs to a widow woman trying to earn a subsistence.

3407. You think the licence should not be mixed up with provisions?—Yes.

3408. *Mr M'Lagan.*—Do you see any reason why one man should get a publichouse licence and not another?—I can see a reason why there might be a necessity for those who use drink to have a publichouse in the parish, and I can see a reason for not having 3 or 4 licensed traders in a parish. I think the difference is obvious. Groceries are a necessary of life. Strong drink is a luxury to a large extent. Then, groceries do not create a desire for groceries. Men may eat groceries all their lives, and never get into a state of gluttony,

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3409. Then, in the event of your taking away the licence from the grocers, if people required drink for medicine, you would compel them to go to the public-house for it?—There would be another alternative. Let the village doctor have the power to sell it as he sells other drugs.

3410. *The Chairman.*—There is no reason why people having occasion to use drink for honourable purposes, should not go to the publichouse for it?—I do not see any.

3411. If drinking is right, why should it not be gone into openly?—If I required drink for medicine I would go to the publichouse at once and get it. I think that all concealment of that kind is demoralizing, and I have seen the effects of it upon the children,—how they get degraded by being sent those surreptitious messages.

3412. Have you any idea of the amount of spirits consumed in your parish?—I cannot state it correctly, because well-to-do farmers purchase drink in casks, and others go to the county town and purchase it in jars. Farm servants also go to the county town and do business there with the grocer. Those items I cannot state, but I have it on most reliable authority that in Yester parish, from 1st January 1875, to 21st December 1876, the amount of spirits received was 1810 gallons,—received by the three places I have mentioned, the inn, the publichouse, and the licensed grocer in the village of Gifford. That quantity does not include ale, porter, or beer; it does not include what is purchased in casks, or what is bought in Haddington by people when they go down on market days, or on Mondays, when they go down to the auctions; so that the 1800 gallons, which is at the rate of 900 gallons a year, does not represent the whole amount consumed. I may say that of the population of 1034, there are 182 children under 13 years of age. That is about 1 gallon a head all over; and there are 192 inhabited houses in the parish. I mention this because some gentlemen have the idea that there is a state of great simplicity and innocence in country places, and that drinking and so on is to a large extent concentrated in great cities. I have a great admiration for many of the qualities of the country people in those districts, and it is because of that that I am here.

3413. *Mr Campbell Swinton.*—Of what class are they?—Mostly agricultural labourers, ploughmen, foresters, gamekeepers, and servants on the various estates. The great bulk of the population in that part of the country is purely agricultural. There are no mines or manufactories there, but just the people you have where there are large farms; and of course there are blacksmiths and other tradesmen connected with those farms.

3414. Do the labouring classes keep a supply of liquor in their houses, or do they send out for it as they want it?—I really do not know how that is. In some cases I have no doubt it would not keep long in the house; and in other cases I think a well-to-do family would say they could not do without a bottle, and would keep it a good while. They have the idea that if they have certain troubles they should take spirits.

3415. In such a parish as you are speaking of, is drunkenness a very common vice?—I am sorry to say there are very many cases of it. If any one wants to see whether there is drunkenness or not, let him go on a market day to Haddington, or let him go out on the evening of an ordinary day. The drinking goes on in the evening, especially before the time when the public-house is shut up. My neighbour, the parish minister of Yester, and I were in the way of hearing shortly after 11 o'clock, a great noise on the roads near to our houses,—something like an express train in the distance. When I went there first I did not know what it was. We were comparing notes one evening, and the parish minister said—'Oh, that's the people going home shouting after the publichouse is shut up.' I noticed that frequently on the Saturday evening.

3416. *Mr M'Lagan.*—Were those ploughmen?—I think they were chiefly Irish labourers, drainers, and so on; but it is difficult to say what class they belong to.

3417. Was the drunkenness in the villages you mention open drunkenness or domestic? Did you see many drunk people going about, or was there a large quantity of drink consumed at home without much drunkenness?—I have seen people drunk, and I know of houses where they met for the purpose of drinking.

3418. Did they get drunk in the grocers' houses?—I do not know where they got drunk. In the villages of Salton I have seen people quarrelling right opposite the licensed grocer's house. That was common in the evenings, and sick people have complained to me that they could not enjoy rest because of people, chiefly Irish, quarrelling on the street opposite the licensed grocer's door, particularly on the Saturday evenings. I have seen women drunk on the streets, and I know that they drink privately.

3419. Do you suppose they get the drink from the licensed grocers' shops?—Not exclusively.

3420. But principally?—Where there is no public-house they must get it at the grocer's.

3421. There was a publichouse one mile off?—Yes.

3422. Could those people not have got the drink there and come home?—It is possible they may have done so. I have no reason to believe that in the majority of those houses people get drunk. I believe that in the one from which the licence was taken people did get drunk, and were there all night.

3423. Would you take the license from all grocers, or just from those in those small villages?—My evidence is in regard to what I know of those small places. I do not know particularly about great cities, for most of my life has been spent in the neighbourhood of small villages.

3424. Would it be right to do away with licensed grocers in the small villages where the poorer classes reside, and yet leave the licence in the case of respectable grocers in large towns?—My belief is that there should be an entire separation of the trades.

3425. You approve of that?—Yes; but what I wish to speak to are the things I know of in small villages.

3426. *The Chairman.*—Is there anything else you would like to say?—I have a very strong view that there should be an entire abolition of the union of the trades; but if that is impossible in the present state of society; I think the number of licensed grocers should be gradually diminished, and in some proportion to the population of the district,—say one to 500 inhabitants, or something like that. I also think it would be an improvement that they should sell only in quart bottles, corked and sealed. I believe that would diminish drinking to some extent.

3427. But it would not diminish the practice of their clubbing together?—It would be an improvement to a certain extent. My *beau ideal* is entire separation.

3428. *Mr Campbell Swinton.*—Then you do not agree with witnesses who gave it as their opinion that if a man could not buy less than a quart he would take it, and it would just lead to a big drink instead of a little one?—Of course, it all depends on the sort of man.

3429. You told us, when you were asked if the people kept drink in the house, that many of them would not keep it long?—In a good many cases they would not.

3430. Then it would be dangerous for them to be obliged to take a large quantity?—As I said, my remedy is entire separation.

3431. In that case would not a pint be better than a quart?—No, because a pint is much more easily purchased in most cases. Some could not buy a quart.

3432. *Mr M'Lagan.*—Do you think it would be practicable to carry out your idea in such a village as one of the Saltons by giving a licence to one party and allowing another to sell groceries?—Yes, there is a village inn that could supply drink for all the people, and then the grocer could supply groceries. At present there are 2 licensed grocers in addition to the inn, for

a population of under 700, being one licensed house for nearly 230 people.

3433. Your principle could be carried out in such a village as that by separating the sale of groceries from the sale of drink?—Yes.

3434. *The Chairman*.—It has been suggested that the crusade against the grocers on the ground that women acquire a taste for drink through going to the grocers' shops is a new thing. Is it consistent with your observation for a long period of years?—Yes, I know that women have gone and sent out to the grocers' shops and got drink from them for a long period of years. I am decidedly in favour of shortening the hours for the sale of drink, supposing the present system to be continued, and no drink should be sold to children under 14 years of age unless they have a written order from a doctor. Finally, I think that the police should have the same access to grocers' shops which they have to publichouses.

88. Mr WILLIAM SMITH WATT, } examined.
89. Mr WILLIAM ROBERTSON, }

3435. *The Chairman*.—I understand, Mr Watt, that you were formerly a licensed grocer in Musselburgh?—*Mr Watt*.—Yes.

3436. And you, Mr Robertson, were also formerly a licensed grocer?—*Mr Robertson*.—Yes. *Mr Watt*.—I am now an unlicensed grocer, and Mr Robertson is the same.

3437. Why did you give up your licence?—I gave it up voluntarily and on principle.

3438. And you continued to carry on the business of a grocer otherwise?—Yes. I have been in business for thirty-four years,—since 1843. For the first ten years I held a licence, and sold wine, beer, and spirits. At the end of that period I gave up the sale of excisable liquors voluntarily and on principle. My sale of spirits alone increased during the time I had the licence from five puncheons a year in 1843–44 to about nine puncheons in 1852–53. I was told more than once that I was a fool for giving up my licence, and that I never would get on without it. I resolved to run the risk. I have now been twenty-four years in business without a licence in the very same premises, and I have no cause to regret the step I then took. At the time I had the licence there were not so many restrictions as there are now. Spirits were cheaper, and good dram whisky was retailed at 7s. 6d. per gallon, or 3d. per gill. We were allowed to sell to be consumed either on or off the premises, at the counter, or in the back shop. During the time I had the licence I was asked once or twice to mark in pass-books other goods instead of whisky, but I refused to do so. I have no means of knowing whether such is the case now, as has been alleged by some here. I do not believe any respectable grocer would do such a thing. The facilities for obtaining drink at the grocers' shops tend, in my opinion, to the increase of drunkenness in its worst form. When such liquors are used openly as a common beverage in the family, the younger members of the family get familiarised to its presence, are tempted to taste it, and often get a liking for it, and thus the thing goes on increasing.

3439. May it not be that the use of spirits or ales as an article of diet in humble families is not of long standing, and that they may use them habitually without drinking to excess? For instance, amongst the upper classes, where the use of wine and beer at meals is common, excess in drinking is almost unknown now. May it not be that in other classes they are becoming accustomed to the temperate use of liquors?—It does not seem to have been the case.

3440. Is it not still a new thing that spirits should be used in decent families?—I do not think it is a new thing. It has been going on for years, and the outcome has been, in my estimation, an increase of the liking for drinking, and of the bad influences arising from it.

3441. But may not people use drink moderately?—It is possible, and it is done by many families. EDINBURGH.

3442. Your statement would rather assume that it would infallibly lead to intemperance?—It is a temptation, I say. It is a temptation to be led into intemperance. I have noticed, in the evidence given by some licensed grocers, that a great amount of the small quantities sold by them is for medicinal purposes, or is said to be for such. I notice also from the evidence given by a gentleman high in office in my native town, a member of the medical profession, that he urges the continuance of the grocer's licence that he may be able to obtain brandy for his patients when suddenly seized with cramp. Well, why not send for his brandy to the same place where he gets his other drugs? The druggist's shop is the proper place for getting medicine, and that is a branch of business unrestricted by law to either days or hours. If the people of Scotland had taken their brandy for medicinal purposes in the same proportion and at like intervals with other medicines, this Commission had never been appointed, and I should never have been here to-day. I have proved, as well as others who have come before this Board, that a fairly remunerative business can be done without the sale of drink. Let those who prefer the spirit trade take it up and show that by itself it can be so conducted as to lessen drunkenness, and to be conducive to the best interests of the community. My opinion is that if anything is to be done at all, nothing short of the entire separation of the two businesses will have any beneficial effect.

3443. What have you to say on the subject, Mr Robertson?—*Mr Robertson*.—I am prepared to corroborate what Mr Watt has said. I have been a grocer for many years. I believe the shop in which I am was a licensed shop for twenty years, and of very high standing. When my partner and I went there we arranged that we would put out the spirits, as we did not approve of selling them. We took that step, and since then—I have been twenty years altogether in Musselburgh—I have never had cause to regret it. I do not see why the business cannot be carried on successfully without the spirits.

3444. Are you Mr Watt's partner?—No, mine is a separate business altogether.

3445. Is it your opinion that the possession of a licence gives a great advantage to the grocer who holds it?—That is my opinion.

3446. In fact, you carry on business with some difficulty without it?—I cannot say so.

3447. You have had no reason to complain?—I cannot say it has been any difficulty without the licence.

3448. Supposing it were resolved to separate the liquor and provision trades, how long a period do you think it would be necessary to allow before grocers were no longer to hold a spirit licence?—*Mr Watt*.—That would depend entirely on the stock held by the licensed grocer. It would take longer with some than with others to get that out of the way.

3449. And then many grocers would have spent a good deal of money in fitting up their premises for both kinds of business?—Yes.

3450. Do you suppose that in five years they might make their arrangements?—I think it might be done successfully in less than that,—say in three years.

3451. You gave up the licence, having previously held it?—Yes, for ten years. I have been without it for twenty-four years.

3452. Did your business fall off at first?—I do not remember it falling off, and it has gradually increased ever since.

3453. That would rather show, would it not, that an unlicensed grocer, if he does his business well, can compete with the licensed grocer?—I think so.

3454. Because we have been told by some witnesses that he cannot?—Well, there is a general feeling amongst us, who are unlicensed, that they have a better chance in the competition from having a licence. I had an instance the other day,—in the course of the summer months when strangers are at Musselburgh for sea-bath-

William Smith
Watt; William
Robertson.

EDINBURGH. ing,—of a respectable lady coming in and purchasing a lot of groceries, which were laid down upon the counter for her. She then took a bottle out of her pocket or basket, and asked me to fill it with my best spirits. I told her I kept nothing of the kind. She put back her bottle as quickly as possible, paid for the goods she had bought, and went out; and I never saw that customer again. We suffer in that way.

William Smith
Watt; William
Robertson.

3455. But the ordinary profit on groceries is sufficient to enable you to compete with the licensed grocers?—It has been so hitherto.

3456. *Mr M'Lagan*.—Were there any other licensed grocers near you when you gave up your licence?—I was surrounded by them, and am so still.

3457. And still your business did not suffer at all?—No, I cannot say my business suffered. There are 21 licensed grocers in the town just now.

3458. And in 1852?—There were more publichouses and grocers shops round me at that time than there are now.

3459. Can you give us an idea of the stock a licensed grocer keeps in his shop? We have been told, for instance, that they do not approve of selling whisky under two years old. Well, do they lay in that whisky when it is newly distilled and keep it till it is two years old, or do they buy it when it is two years old?—I cannot say. I used to buy my whisky from wholesale spirit merchants in Edinburgh and Glasgow, who sent it to me in a saleable condition after reduction.

3460. I suppose it would depend on the man's capital what quantity he would hold?—Quite so. There are not very many men in ordinary circumstances who could keep such a large stock as a two years' stock.

3461. And with wines I suppose it is the same?—Just about the same.

3462. Do you see any objection to separating the beer licence from the spirit licence?—I make no difference; I would separate the entire licence.

keep a large cask in my back shop, but I have casks in the front shop of various qualities for retail purposes.

3466. If you were not allowed to keep a cask of liquor in your shop you might keep it in your cellars and you would have the bottled liquor standing in your shop?—That is the idea. It would imply sending my young men away to the cellar and getting a supply corked and sealed as suggested, of various sizes and qualities, to have ready for use. That would involve a great deal of additional trouble on the part of the grocers. It appears to me that the intention of the proposer of such a change as that is to make it much more difficult for parties who, it is alleged, are in the habit of selling liquor for consumption on the premises, to do so. If there are such parties, I do not see that that would very well obviate the evil, because people of that description would be disposed to keep some quart bottles in a convenient place and sell it just the same. It would entail a certain additional labour upon the vast portion of the trade who are disposed to be law-abiding, and would make things no better so far as the other parties, if there be such, are concerned.

3467. If there was no open liquor allowed to be kept in the shop, it would be some check?—Certainly, but they might have it in a concealed place. The question of legality does not come in so far as they are concerned so long as they think they can do it. With reference to police supervision, it is true we are not so strictly supervised as are the publicans, but so far as the retailing of spirits is concerned I do not think it would make the slightest difference supposing grocers were put on exactly the same conditions as publicans. I daresay it would operate disadvantageously so far as family trade is concerned, where spirits are bought in large quantities, because when a gentleman is purchasing a quantity of spirits from a grocer he often desires to have a look at it, to find out what is the particular kind he prefers. I understand that is quite common; but so far as the retailing of spirits is concerned, from a quart bottle downward, I do not think the same supervision which attaches to publicans would in the slightest degree operate in the case of that class of trade. Individually, I am practically under that supervision just now. I hold a contract, obtained by competition, for supplying certain grocery goods to the watching department of the Police Commission, and a constable is sent with orders, and he can come in at any time. Then there is another question. So far as the sealing of bottles is concerned, I do not particularly object, nor to the minimum being a gill. I think that would meet the requirements of the class of trade I spoke of just now. The sealing is a matter that would involve a little time and trouble, but I am not aware that any grocer who considers it would be for the public good would object to take that additional trouble,—at least, I for one would not. There is one question upon which we feel very strongly, viz., having shorter hours. I think it very advisable that licensed grocers should close earlier than they are in the habit of doing. I never keep open later than 9, Saturday excepted, but I would very much prefer if I could close at 8. The licensed grocers and their employees are a very numerous class, and on the ground of giving them more opportunity for out-door exercise and for reading, this question ought to be considered.

3468. Then why do you not close at 8 o'clock?—There are always a number of grasping people in the trade who are disposed to keep late hours,—even till 11 o'clock,—which prevents mutual agreement.

3469. But I do not think Parliament has ever made a law to regulate a trade merely for the convenience of that trade. That is always left to its internal management. Parliament restricted the hours of publichouses in the public interest, and so long as the publichouses are open till 11 it can hardly be said to be in the public interest that the grocers should close three hours earlier?—Well, we consider, looking to the fact that working men's hours are very much shorter than they used to be, that there is ample opportunity to procure domestic supplies between the time a man drops work and the time we propose to shut, viz., 8 o'clock. A question

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| 90. Mr JAMES FORD, 69 St Andrew Street, Leith, | } examined. |
| 91. Mr WILLIAM BOWIE, East Richmond Street, Edinburgh, | |
| 92. Mr JAMES GILL, Portland Place, Edinburgh, | |
| 93. Mr GEORGE HUNTER, West Port, Edinburgh, all Licensed Grocers, | |

James Ford
and others.

3463. *The Chairman*.—What are the rents of your respective premises?—The witnesses stated their rents to be as follows:—Mr Ford, £17, and £2 for storage accommodation; Mr Bowie, £19; Mr Gill, £45; and Mr Hunter, £30, and £5 for storage accommodation.

3464. Now, Mr Ford, what have you to say upon the present question?—*Mr Ford*.—I have been in business for about twenty years as a licensed grocer, and while doing a considerable trade with the working classes I have a very considerable family connection. I find it appears to be a public convenience that people should be able to come and obtain their groceries along with what spirits they require. They seem to prefer that, and the extent of the trade would seem to indicate that. I may also mention that a great many grocers in densely populated parts of the town have unsuitable premises, simply from the difficulty of obtaining better ones; but our local authorities have prepared a scheme, under the provisions of the Artisans' Dwellings Act, whereby that state of matters will in course of time be very much remedied, and licensed grocers and others will be enabled to secure better and more suitable shops for the conduct of their business. Some of the witnesses who have been examined are desirous of having the grocers to place their liquor casks in back premises, to conceal them from the public view. So far as I am concerned, that would be very inconvenient, because my back premises are filled up with heavy goods, such as soap, cheese, butter, and the like, and these would require to be brought to the front shop, and the place put out of order altogether.

3465. Where do you keep your stock of liquor?—I

has been raised with reference to the age at which spirits are generally sold. A very common practice with the better class of grocers who have an extensive trade is to buy new spirits and allow them to lie in bond for a couple of years or so before using them. That is the plan I have generally followed.

3470. But there ought to be an inspector, of the nature of an analyst?—Certainly; I have not the slightest objection to that. Leith has one. In the next place, I do not think it would do to fix a uniform high rental for licensed shops, because the value of property varies so much in different districts and different localities of the same district that the idea would be unworkable.

3471. It might be settled in each town?—Yes, it might possibly be settled in each town, leaving it to the local authority to keep in view the value of property in that town.

3472. *Mr Campbell Swinton*.—I understand you to say that the sealing of bottles would involve only a little additional trouble, and that you would not object to it?—A little additional trouble; and as a licensed grocer I would not object, provided a gill is the minimum quantity.

3473. Then, as to keeping large casks with a tap upon them not actually in the shop, that in the same way would only involve additional trouble and a little additional accommodation?—It would require very great additional trouble, so far as alterations of the premises are concerned. In many cases it would involve internal reconstruction.

3474. Why should not the casks be where the other goods are kept, and the other goods where the casks are kept?—That might be so, but the front shop proper would not be kept in such an orderly way. So far as I am concerned, I would require to bring forward a lot of goods and make the front shop in a measure a store-room for goods I am not actually requiring at the time.

3475. It would not look quite so tidy, but there would be no really serious objection?—Well, there is nothing in my business beyond what I have stated that I can urge. Other men may have greater difficulty.

3476. *Mr M'Lagan*.—Would you object to all communication between the house and shop of a grocer being closed?—We have no experience of that in Leith. I am averse to such communications.

3477. Or back doors?—I have a large back door entering from my back shop into an open court, but it is always locked except to take in heavy goods, such as puncheons of spirits or tierces of sugar. I could not dispense with that door in the present state of my premises.

3478. *Sheriff Crichton*.—But it is only opened for the purpose of taking in heavy goods?—Simply so.

3479. *Mr M'Lagan*.—You do not seem to approve of any alteration of the law in the way of separating the sale of spirits from the sale of beer and wine?—No; so far as I have been able to look at the question, I think the business of a licensed grocer is one that meets the wants of the community in a proper way, and there seems to be a strong desire on the part of the general community that that should be the way in which it ought to remain.

3480. *The Chairman*.—Mr Bowie, have you anything to add to what Mr Ford has said, or do you generally agree with him?—*Mr Bowie*.—I have only to say that the locality in which I am is rather a poor one, and my trade is chiefly with the working classes; but I have never in my experience marked down any other article for whisky, nor have I ever been asked to do so. *Mr Ford*.—I endorse that. I omitted to mention it. *Mr Bowie*.—In regard to open vessels, I know of no such thing in my business.

3481. It is quite lawful to sell in open vessels, but if you do not sell in open vessels you would not object to its being forbidden?—What I refer to are jugs and cups. I have been seventeen years in the trade, and I do not recollect ever seeing a woman come in for whisky with a cup or any such thing. There has been a great deal said as to evasions of the law in the lower class shops. Now, I may term my shop one of those; and the first thing I did was to remove a partition in the back of the shop and put in a

large window at the end, so that any one can see from front to back. I consider it very injurious to a grocery trade to see people standing about the shop drinking or doing anything else. If a grocer is serving people with whisky to be consumed on the premises he cannot attend to his proper trade, and I consider that no man who has the interest of his business at heart would ever encourage such a thing. Mr M'Laren, on Friday last, instanced a locality behind Surgeons' Hall where there are 16 licensed grocers, and said it was inconceivable to him how they could live off their trade as grocers, and that their trade as grocers was a mere sham. I may say that I am one of that number, and, in place of my trade as a grocer being a mere sham, the whisky I sell does not amount to one-twentieth of the provisions, such as tea, sugar, and so on. Therefore, that statement by Mr M'Laren is entirely wrong. I have spoken to one or two of my neighbours about the matter, and they agree with what I have said. They have all been bred to the trade, so far as I know, and they make an honest endeavour to carry on their grocery business profitably, and have so far succeeded in doing so. We do not sell much spirits in that locality, as you will see by the statement I have made, viz., that it forms only one-twentieth part of my trade. People go into the public-house as freely, and I believe much more freely, than into the grocer's shop. It was stated yesterday by the manager of the Wellington Reformatory that little boys went to the grocers' shops for drink. Now, there is nothing to hinder them from going to the publichouse, and if you speak of a low locality, the fact is that they do go to the publichouse for drink and not to the grocer's. The publican gives them sweets and other things as an inducement to come to him. Even in the poor locality in which I am situated we close at 8 o'clock in the evening.

3482. *Mr Campbell Swinton*.—On Saturday night?—No, at 11 on Saturday night, but we intend this winter to shut at 10. On the other nights we shut at 8. The publicans of course keep open later, but our trade in spirits is so little that we do not care.

3483. You would not care very much if the spirits were taken away?—Yes, I would care this much, that I served five years to the trade, and if it is worth anything at all it would be very hard for any social reformers to come and deprive me of it without giving me compensation.

3484. But if the groceries form by far your principal trade, it would not be nearly so great a loss to you as is represented?—Speaking for myself, but it is my misfortune rather than anything else that the spirit trade is not bigger.

3485. *Mr M'Lagan*.—Suppose it were decided to separate the trades, would you desire to continue your grocery or your spirit trade?—Well, if you give me compensation for my loss in the spirit trade, I would rather carry on the grocery trade.

3486. But suppose there was no compensation?—Well, in that case, it might be of more value, and, looking at in a commercial way, I would take the one that would pay me best.

3487. *Mr Ferguson*.—As your trade is just now, if it were made imperative that the trades should be separate, which would you choose?—I would choose the grocery trade.

3488. Then I understood by your previous remark that you think it is quite possible, in the event of such a separation, that the spirit trade might become the better of the two?—Independent of that I would be a grocer.

3489. *The Chairman*.—Mr Gill, have you anything to state? You appear at the request of some of the smaller grocers?—*Mr Gill*.—There are a good many in the district of the West Port and Fountainbridge who have thought that by this inquiry a slur is thrown upon them by what the larger grocers mean to say,—that they are, as it were, not respectable. The word 'respectable' has come so often to the front that the smaller grocers think they are put into a sort of disreputable class.

3490. I think the word has not been used in the

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and others.

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sense of comparing rich and poor, but as distinguishing those who conform to the law and carry on an honest business?—If by respectable is meant not being so tidy and spruce as our more fortunate cousins who do a nice clean large family trade, we pass it over; but if it carries any other meaning we quite repudiate the insinuation. There are a great many of the smaller grocers in the Cowgate, Grassmarket, and Westport, who combine the trade of fishmonger with that of grocer; and though they put on a clean shirt and apron every morning they are perhaps not so tidy and respectable looking as the grocers who do a large trade. As to the size of the bottles and the quantity to be sold, we are quite willing to adhere to any size that may be agreed upon, but we think it only just that publicans and hotel-keepers should be restricted to the same quantity to be carried off their premises for consumption at home. Some families who are friends of a publican may wish to deal there, but they should not be allowed to get from him a lesser quantity than we are able to supply to our friends. There is another point. It would be very inconvenient to put out our casks and have nothing but sealed bottles of all sizes ranged in lines on the shelves in the front shop. Some pushing grocer would soon present a far more brilliant appearance with thousands of clean crystal phials ranged in rows and dozens in the shop and forming trophies in their windows. They would soon have gasaliers and Christmas trees hung full of transparencies.

3491. Don't you think you are rather making a joke of the matter?—I only want to show the absurdity of the thing. As to the allegation that grocers sell spirits in open vessels, that is quite unfounded. There is a very large trade done now in jams and jellies, and those are very often carried away from the shop in tea-cups, tumblers, and other handy vessels. I have no doubt that the mistake of supposing that grocers sell spirits in open vessels has arisen in the minds of some of our good friends, who, in passing along the High Street or West Port, saw a boy or a girl coming out of a shop with half a pound of apple jelly in a tumbler, and that sort of jelly especially looks very like a gill of fine old whisky.

3492. It is possible they might be coming out with whisky and not with jelly?—Well, there are many other things that look like whisky. In the next place, I would like to draw attention to the number of contraventions of the law by publicans and hotel-keepers as compared with grocers. Those parties have, to say the least, been convicted as often as grocers have been; and I would point out that they can only break the law before 8 and after 11, while the grocer has over and above that the opportunity afforded to him during all the hours his shop is open, and being importuned by friends, customers, travellers, and excursionists. The wonder is that there are not more contraventions recorded against grocers than are done. Then, again, I know as a fact that there are some unlicensed grocers who supply drink to their customers when asked. To all their customers it is patent they do not have a licence, and thus they secure the orders of those who have a scruple about dealing with a licensed grocer, but they may have a friend who wants a dozen of Bass or a bottle of whisky, and they get that at the trade price from the licensed grocer or publican and take the profit to themselves.

3493. Do you know any unlicensed grocers who do that?—Yes. I do not mean this as a serious accusation against the unlicensed grocers; I merely set it as a balance weight against the small weight thrown against us by the unlicensed grocers.

3494. Mr Hunter, have you anything to add?—*Mr Hunter*.—I concur generally with what Mr Ford has said. I never opened till 8 in the morning. We tried six months ago to get shut at 8 at night, but some broke through the agreement, and we do not shut till 9. I would be glad to shut at 8. I do not keep open so late for the sake of selling spirits,—it is for selling groceries, which is my principal trade. I would have no objection to the police having power to enter my shop at any time. I had a shop in the Cowgate, at the same time that I had one in West Port, for a few

years, and I never was asked to mark down goods instead of spirits. It is a thing that is never done. *Mr Ford*.—I wish to point out that I think more attention ought to be paid to the giving of licences only to those who have been regularly bred to the trade. Sometimes licences are given to parties who have not been thoroughly bred to the trade and not had any training at all, and it not uncommonly happens that those licences obtain in humbler localities. There is great need for the grocer who is doing business in those localities to be well trained to his business, because there is a great deal of small weighing and calculating which requires to be very carefully done, and with rapidity, and there is too great a tendency on the part of the licence holder, who has not regularly been bred to the trade, to abandon that portion to accident, and to rely too much on the licence he has been successful in obtaining. *Mr Gill*.

—There has been a statement made here to-day in regard to carters stopping at grocers' doors and going in, and so on. Well, the party who made that statement does not know how many articles we are in the custom of getting in. For instance, in the back end of the year we have carters from the country delivering potatoes. They leave them at 8 o'clock in the morning, and they may come back with their empty cart to collect the bags. Very often, if there is anybody in the shop, as they know where the bags are to be found, they go straight back, pick up the bags or potato baskets, and come straight out. There are also men who deal in salt and other things of that sort. They come weekly, and they go along to the back, and they know where the salt barrel stands, and can look for themselves.

3495. It has not been said that nobody goes into a grocer's shop without having a glass of whisky?—Well, there was a gentleman here to-day who said he had seen carters stopping at a shop. Now, I say that those total abstinents are so suspicious that if they see a carter going into a shop, or anybody except a well dressed lady, they never suspect them.

3496. Well, they accuse them too?—I never heard it; but if they see such a man as a carter going into a grocer's shop, they think there is some transgression.

94. Mr JAMES NORMAND, retired Shipmaster, examined.

3497. *The Chairman*.—What have you to say on the subject of our inquiry?—I reside at Newhaven. I think there are about 21 licensed houses in that locality. Perhaps about 10 of them are held by grocers. Of the whole 10 I think two are what I would call respectable. I remember an individual not very far from my residence who held a grocer's licence, and who almost defied authority. It was a long time before he could be convicted. A gentleman who gave evidence here, Mr M'Kay, was the man who did it. He could not do it till he got a detective, and was obliged to go over by a back place where they had a ladder placed for the exit of parties who were drinking in the little back shop on the Sunday.

3498. Is it within your knowledge that many of the licensed grocers in Newhaven contravene the law?—Not only in Newhaven, but in other places. I had evidence of that some time ago. A young person visiting my wife told me she had kept a licensed grocery for a woman there, and individuals came to her requesting her to give them spirits and put it down as other articles. She refused to do so, and they said 'You may as well do it, for if Mrs So-and-so was at home she would do it.'

3499. Do you know if many of the licensed houses in Newhaven at the present time break the law?—I cannot speak to that personally, but so far as I have had conversations with people they do. An officer of a vessel which sailed for Iceland a few days ago said to me lately—'If this law of restriction were passed upon groceries it would greatly benefit all, and especially some of my near relatives. My mother can go into a shop with her pass-book and get a dram of spirits, and have it put down to her as a loaf.' Not very long ago Newhaven was a place

where there was a good deal of drunkenness. It has been rather better lately. Before this year the public-houses of the place had the privilege of opening at 6 o'clock in the morning. One of them is not very far from me, and it was not made use of, as the intention of the Act was, by the fisher people to obtain refreshments when they came at an early hour on the winter mornings, but all the low people from the slums of Leith and Newhaven used to come, and one morning I counted forty people go in in the course of ten minutes.

3500. But that was a publichouse?—Yes. We got that privilege taken away, and things are now much better.

3501. Do the fishermen of Newhaven use the grocers' shops much for getting the liquor they want?—Well, occasionally, as they go off to the night fishing, many of them require a dram, and usually it is got at the grocer's with their provisions.

3502. And so these shops are a convenience?—They are a convenience in that manner.

3503. Only you think they ought to be regulated?—They might be regulated.

3504. What were the restrictions which your friend spoke of as being useful,—to prevent people getting a dram in the shop?—To prevent women getting drams in the shop and putting them down as other articles.

3505. Whereas, if they were obliged to take the liquor away in a bottle, it would not be so easy?—No; their taking the liquor away from the shop in a sealed bottle would be a great check.

3506. *Mr Ferguson*.—With regard to the fishermen taking a dram when they went to the night fishing, do you mean they took it with them or drank it in the shop?—They took it with them.

95. DAVID ANDERSON, Fish Salesman, 5 Pentland View, Edinburgh, examined.

3507. *The Chairman*.—You have been interesting yourself greatly in the movement which has led to this Commission?—Yes.

3508. You wish to speak specially on behalf of the committee for separating the grocery and spirit trade?—Yes. I wish simply to explain one or two points that in justice to the committee should be cleared up. I wish to refer to the allegation of Mr Thomson in regard to the agitation which has brought about this Commission having had its origin with the licensed publicans and the temperance party. I have to state that so far as our committee are concerned, this agitation is traceable to the citizen movement against the licensing of the Industrial Museum about two years ago. At that time there was a plebiscite taken (a copy of which I hand in), in which the following among other questions were put:—'3. Do you think the present number of 'liquor licences in the city ought to be considerably 'reduced? 4. Do you wish the licensed houses removed from the street or locality in which you reside?' Out of 15,682 schedules which the committee got back, the following may be quoted from the populous or working class districts of the city:—

	Question No. 3.			Question No. 4.	
	Yes.	No.		Yes.	No.
Canongate Ward.....	1166	386	...	962	479
St Giles' Ward.....	876	204	...	724	260
George Square Ward.	998	263	...	793	356
St Leonard's Ward...	894	342	...	718	450

3509. How many schedules were issued?—We could only issue them to the electors.

3510. How many are there in the city?—About 25,000.

3511. And 15,000 were returned?—Yes. I should explain that the work was done very hurriedly; it was got up in a week or two, and entirely by voluntary agency. The same remark applies to the present committee's efforts.

3512. Were the electors obliged to return those by post?—No, they had the option of returning them, but

they were left and called for, and the individuals doing so had strict orders simply to hand them in and go back again for them.

3513. What became of the 10,000 schedules that were not returned?—A great many people were not found. We had 500 or 600 returned by post as not found from a few districts not overtaken by distributors.

3514. Still there were a great many unaccounted for?—A great many, but the fact that it was got up hurriedly goes a considerable way to account for that. Sir Robert Anstruther's measure of 1876 was practically the outcome of that movement.

3515. But really this return hardly concerns the present inquiry,—it does not refer to grocers' licences particularly?—All licenses were taken in. I also wish to put in a copy of a report on the state of Edinburgh drawn up by a committee of citizens and ministers who investigated the matter, and to call attention to the following paragraph on the fifth page, which is of great importance:—'In this city it has proved detrimental to 'many families that groceries and spirits are retailed 'together, and such an arrangement should be speedily 'altered.' I would simply state further, in reference to the evidence which has been led before this Commission, that no effort has been made by the committee whom I represent to get up evidence. We have simply sent out letters or notices to individuals asking if they had any information to give, and stating our willingness, so far as possible, to assist them in bringing it forward. We have experienced very great difficulty with witnesses. One day we would have a witness coming forward voluntarily, and saying he had very important evidence bearing on the question, and relating a whole host of cases he was familiar with. We have given in the name, and next day he has either, through meeting with somebody or from reading newspaper reports, been frightened, and would not put in an appearance. The whole difficulty with us has been that our witnesses, while confessing they have a great amount of information to give, are continually taking fright and saying they decline to come forward. It is perhaps unfortunate that the Commission have not power to subpoena witnesses. I should like to refer to the evidence given by Mr Salmond, which has not turned out to the extent we anticipated when it was given. I, as an individual, and also the committee, believe there is a large amount of real weight in it; at the same time, I wish to say on behalf of the committee that that evidence was public property before we got it.

3516. Your main contention is in favour of separating the provision and liquor trades?—We believe that without separation there will be no practical solution of the evils arising from the connection.

3517. Have you contemplated from the point of view of the trade how such a separation could be effected without manifest injustice?—We have not considered the interest of the trade. We have considered the interest of the public.

3518. Of course you must consider how you can benefit the public, but it is practically impossible to benefit the public by doing great violence to individual interests. Many men have been engaged in the trade for thirty, forty, or fifty years. They have conducted it without reproach, and have invested large capital in it. How soon do you think the law can make it practically possible to discontinue that trade?—I am hardly in a position to answer that question.

3519. You are at the head of a movement asking us to recommend a certain thing, and we may fairly put it to you how you consider it possible that the thing can be done?—Well, the question, if it is looked at, is one of fair play. Up to the present moment the licensed grocers have had a remarkable privilege granted to them by Government, and consequently they may fairly be asked to give it up without much ado. I heard not long ago of a case in Glasgow where a man got a licence one day and sold it the next for £500, so that the Government practically gave that man £500, and I do not see why he should be compensated supposing he had it for a certain time and made money by it.

EDINBURGH.

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David
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EDINBURGH.

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Anderson.

3520. Take the case of any well-known tradesman at the West End of Edinburgh who has been conducting a business which perhaps his father conducted before him, without any idea of his licence being taken from him and half of his business removed, do you think that that could be done at once?—My own impression is, though I am not at one with some of our friends,—that that man might easily take an additional shop, for which

the law might grant him a separate licence for the sale of wines and spirits.

3521. But you see you advise us to do this thing in the public interest, and you do not suggest any plan for doing it?—I do not think that falls in our line exactly.

3522. You leave others to do that?—Yes.

Adjourned.

(See App. D, p. 497.)

GLASGOW, FRIDAY, 19TH OCTOBER 1877.

Present :—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSON.

SIR JAMES FERGUSSON, BART., IN THE CHAIR.

GLASGOW.

96. The Hon. JAMES BAIN, examined.

Hon. James
Bain.

3523. *The Chairman.*—You are Lord Provost of Glasgow?—I am.

3524. You have, I think, in your hands some figures, which were put in in answer to our questions, showing the number of licences granted in Glasgow?—Yes, I have got such a list. I may mention that the list which I now have was sent through to your Secretary in Edinburgh, with a view to being considered by the Commission, and also that you might have it before you, as well as myself, when this time came. I have got a list of licensed grocers in Glasgow in each year from 1862 down to the present time. In 1862 the number of licensed grocers was 173, the population at that time being 410,000; consequently the proportion was one to each 2370 of the population. The number of licensed houses increased until 1873, when the licensed grocers in Glasgow numbered 272, being the maximum number; and since that time they have been decreasing. The number now is 257, being one to each 2180 of the estimated population. These calculations had better be checked, but I believe them to be correct. I do not have the estimated population in 1873.

3525. What do you estimate the population at now?—560,000.

3526. Have you a note of the number of licensed houses of other kinds?—I have not got that. The chief constable and other witnesses who will follow me will be able to give you such information, as you may require on these points.

3527. Has your attention been called to the evidence given by Mr M'Laren before the Commission in Edinburgh, in which he contrasted the number of publichouses and licensed grocers in Glasgow and Edinburgh respectively?—No, I did not specially observe that. I have sometimes, when I have been in London, been in communication with Mr M'Laren, and talked with him upon these matters; and I have learned from him, as well as from my own knowledge, that the number of licensed grocers in Edinburgh was very much in excess of those in Glasgow. Irrespective even of the difference in population, there are more of them in Edinburgh.

3528. The particular figures to which I refer are these:—Mr M'Laren says: 'Edinburgh has 342 publichouses, or one to 123 families; Glasgow has 1507 publichouses, or one for every 37 families. In Edinburgh there are 15 fewer licensed houses than in 1854, and Glasgow has now 61 fewer licensed houses than in 1854, while I point out that the population of Glasgow has increased in that period more than the whole present population of Edinburgh; but what I wish to call your attention to is this, that while the magistrates of Glasgow have slightly reduced the number of grocers' licences, it would appear that the number of publichouses is very large.'—I think it will be found when evidence is brought before you by some

one who follows me,—I have not got figures with me myself, but I have little doubt it will be found that the number of licensed houses of all kinds in Glasgow has been reduced. While the population has been increasing, and increasing to a very large extent, the gross number of licences has been reduced.

3529. Taking all kinds of licensed houses, they would appear to have been diminished by 91, notwithstanding the enormous increase of population. These are Mr M'Laren's figures?—I think Mr M'Laren is quite correct. I have no doubt he made himself quite aware of the correctness of what he was going to say before doing it.

3530. My reason for putting that evidence to you is because I wish to put this question: Have the magistrates of Glasgow been setting themselves as far as possible to reduce the number of licensed houses?—They have been considering very carefully the requirements of localities; and while they have not been setting themselves simply to reduce publichouses, they have considered very carefully if the localities for which applications are made require these houses, and where they have considered that they were not needed, they have refused to grant the licences.

3531. Then taking the question of grocers' licences by itself, their granting or withholding of licences has proceeded upon the consideration of whether additional houses were required in a particular district or not?—That is so. I may state that they also take into consideration the character of the house, that is to say, the conveniences or inconveniences, as the case may be, of the house itself, how it is fitted up, and the character of the applicant. They take all these matters into consideration, as well as the necessities of the locality.

3532. May we take it in this way, that, supposing an applicant to be likely to carry on the business respectably,—supposing him to be a grocer already,—the magistrates would not grant him a licence unless in their judgment another licensed house was fairly required in that street?—That is so.

3533. Then may I ask you whether, in your opinion, a certain hardship may not be inflicted upon a tradesman in the grocery trade if a licence to sell spirits be granted to his neighbour and he be refused it?—No; I do not think there is any hardship there. The liquor traffic in this country has always been one that has been subject to restrictions; and so long as it is the case that everybody cannot get a licence, the magistrates to whom Parliament has committed the charge of the matter must be, I think, the best judges of whether it be for the public interest or not that additional licences should be granted.

3534. Then it would not be at all true with respect to Glasgow, what we heard at Edinburgh, that with very few exceptions all the grocers in a large way of business have licences?—I should rather say that in Glasgow the number of grocers who have not licences is in excess of those who have.

3535. *Mr Ferguson*.—I rather think you do not quite see the bearing of the question which was put by the Chairman. We were told in Edinburgh that the grocers have to go through a considerable apprenticeship,—a four years' apprenticeship. Well, a young man who has done that probably finds himself at the end of that time unable to get a grocer's licence, because the magistrates consider that there are enough in the town already, and he is thus handicapped in carrying on his trade as against his neighbour, perhaps next door, who has a grocer's licence along with his grocer's business. Now don't you think that that is a general hardship in the trade?—In the first place, I don't think there is any rule—at least there is none so far as I know—that a grocer must serve a four years' apprenticeship before he opens a shop.

3536. That is the usual apprenticeship we are told, where they are properly bred to the business?—I am not aware of it.

3537. *Sheriff Crichton*.—You have no such rule in Glasgow, in granting a grocer's licence, of considering whether the applicant has served an apprenticeship?—No; that is certain. I never heard of an apprenticeship to a grocer's business before. It is quite new to me to hear of it.

3538. Or that he is bred to the trade in any way?—As to his being bred to the trade, many a man is bred to a trade who is obliged to leave it, and take up another one.

3539. *The Chairman*.—Do the magistrates, in granting a grocer's licence, consider whether the man is a grocer or not?—In the first place I may say that a person applying for a grocer's licence is, as a rule, I may say, without exception, a grocer already in business. His application usually is this, that being a grocer and in business, families coming to him for grocery goods are desirous to have their spirits and wine and malt liquors from the same shop in which they get their groceries, and he therefore applies for this licence that he may supply families with intoxicating liquors as well as with groceries. If the magistrates find this man to be of respectable character, and the shop of such a character that they think it ought to be licensed, and if they consider that the state of population of the district is such as to warrant an additional licence being granted at that place, they give it.

3540. Then, as a matter of fact, they would not give a man a grocer's licence merely to enable him to open a spirit shop?—Certainly not.

3541. *Mr Ferguson*.—Has it ever been the practice with the magistrates here, when applications for publicans' licences have been made to them, to refuse the publican's licence but to grant a grocer's licence instead?—I think there have been cases of that kind,—very seldom; but of course if it be a grocer's licence that is granted, it must be accompanied with the sale of groceries. I don't know it for a fact, but I have heard of people applying for a licence not caring about the sale of groceries, and applying themselves more to the sale of spirits and malt liquors. But I may say that I have noticed, in the evidence which was laid before you in Edinburgh, that a great many of the witnesses have dealt in beliefs and impressions rather than in matters of fact; and I should like to guard myself against that, as I don't consider it is a wise thing to legislate upon beliefs and impressions.

3542. *The Chairman*.—Then, perhaps, as you are to be followed by the authorities of the city, you may pass over the heads of the circular next following, and take up No 7.—There are some of the points before it on which perhaps you will allow me to make a remark. For example, I find that from 1862 down to 1877, being a period of fifteen years, the gross number of breaches of the law by grocers has only been 36. Of these 36, I observe that 35 were fined, and one was admonished. If you wish it, I can give you the particulars of the cases.

3543. I think that, as the number is so small, we need not go into that.—There is one matter mentioned in the circular to which I would refer,—that is, as to hours. I think that licensed grocers should be confined to the

same hours as licensed publicans. They ought not to be permitted to sell at either earlier or later hours.

3544. *Sheriff Crichton*.—Do you mean other commodities than liquors.—Yes. Any man with a grocer's licence ought, I think, to be obliged to shut his shop at 11 o'clock, the same as the publican is obliged to do. I have heard in some districts of Glasgow that a grocer, being entitled to keep his shop open longer, say till 12 o'clock on the Saturday night, can sell drink between 11 and 12 o'clock after the publichouses are closed. I think that the same hours should apply to both.

3545. *Mr Ferguson*.—But he breaks his certificate if he does that?—Yes. Perhaps some of the cases that were brought up were of that nature.

3546. *The Chairman*.—By the last Act on the subject, the Forbes M'Kenzie Amendment Act, the grocer was limited to the same hours for selling spirits as the publican, but you say he should close his shop altogether?—Yes. I think he ought to close his shop altogether, because as long as his shop is open there may be a tendency to sell some five minutes or ten minutes after the hour.

3547. *Sheriff Crichton*.—And there should be the same hour with regard to the morning?—Yes. If I might be allowed to make a suggestion, I think the hours for both licensed grocers and publicans should be altered. I think for my own part,—I am only giving my own opinion in the meantime,—that there should be no permission to sell drink earlier than 10 o'clock in the forenoon or later than 10 o'clock at night. It has been admitted I think on all hands that drinking in the morning before breakfast is a thing that is bad for every one; and I think that a good Government should put a stop to it. Besides, I think that twelve hours a day, from 10 o'clock in the morning till 10 o'clock at night, is long enough for anybody to work. Another thing that I would like to call your attention to is this, that when the Forbes M'Kenzie Act was passed, fixing 11 o'clock as the hour for closing, the working classes dropped work at 6 o'clock: I speak of Glasgow. Now they drop work at 5 o'clock; and to take an hour off the time in which they should be permitted to drink in publichouses would, I think, be for their benefit, and, as you can see, it would give them quite as long time as before. The police find that the hour from 10 till 11 at night is one in which their services are much more required than in any other hour of the day or night, and I should therefore like that 10 o'clock at night was made the hour for closing.

3548. *Mr M'Lagan*.—Then would you not allow a man to sell groceries until 10 o'clock in the morning?—If a man is only a grocer, and keeps a grocer's shop, I would allow him to sell food at any hour he chooses; but if he takes a licence to sell drink as well, I think he ought not to be allowed to open his shop till 10 o'clock, which I would like to make the hour of opening for all licensed houses.

3549. *The Chairman*.—Do the magistrates here allow any extension of hours to publichouses in any district of the city?—We do not give extensions of hours to publichouses; but in cases of hotels, where they are entertaining company, where perhaps a supper is taking place on some festive occasion, special permissions are granted to keep open till say 1 or 2 o'clock in the morning, as the case may be.

3550. But there is no advantage taken of that clause in the Act which allows an extension of hours of publichouses in districts?—No, there is no advantage taken of that in Glasgow.

3551. A question has been put in my hand, and I am requested to ask you whether at the last licensing court here the magistrates refused several transfers of existing licences to applicants whose character was certified to be good, and without assigning reasons? It is insinuated in the question that hardship was thereby inflicted on several applicants who had purchased the lease of premises and the goodwill of them.—I was not present myself at that licensing court, and it would be better that the answer to the question should be given by some magistrate who was present; but I am aware of some circumstances connected with that matter which

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I may perhaps be permitted to detail in a general way.

3552. *Sheriff Crichton*.—Perhaps you would tell us first how the magistrates act with regard to transfers?—The magistrates exercise the discretion which has been committed to them by Parliament. I am not aware that any magistrate ever assigns a reason, and I certainly should not advise any magistrate to give one.

3553. *The Chairman*.—That is rather an illustration of a question I put to you a little while ago, whether the position of a grocer who applies for a licence did not necessarily come into question in the granting or withholding of a licence? In such a case as the sale of the goodwill of a business where the licence had been held for some years, would it not rather trammel the magistrates in exercising their discretion as to the want of another grocer's licence in that district?—No. I don't take that view of it, and I will tell you why. I am not a believer at all, to the extent which some people are, in what is called the vested interests in licences. A licence is applied for yearly, is granted yearly, and if the magistrates in the public interest think fit to withdraw a licence, or rather, I should say, not to renew it, they have quite the right and the power to do so, without giving any reason whatever, if they think it is for the public advantage that it ought to be withdrawn. I know this for a fact, that with reference to publichouses where a good trade has been done, it sometimes happens that very large sums indeed are paid for this goodwill with the view of getting a transfer. I am aware of a case,—it has been reported to us, and I can believe it,—where the whole stock in trade which was transferred in a shop was only £6 worth of material, and yet £500 was paid for the licence, for the transfer of this vested interest. And that leads me to observe, if you will permit me to do it, that I think there is here a matter deserving of remedy and change in the law; and that is to this effect, that there ought to be a much higher licence duty exacted by Government, either for state purposes, or I would prefer it for my own part for municipal purposes, but that there should be a much higher licence duty than at present exists, and that it should be levied upon an *ad valorem* scale. A public-house paying say £200 a year of rent ought, in my estimation, to be charged 50 per cent., or £100, for its licence duty. As we are talking of licensed grocers, I should think that grocers and hotel-keepers could not be charged the same percentage on their rent, inasmuch as they are not mere sellers of drink; but undoubtedly, looking to the enormous prices which are being paid for the transfer of licences, and the fact that many people live by dealing in licences, and the great rents that landlords obtain for a licensed house as compared with a house that is not licensed, all these things combined induce me to think that there ought to be a much higher licence duty exacted by Government, and that that ought to be *ad valorem* in conformity with the rent or extent of the premises occupied.

3554. But the Government in that case would be taxing the trade in two ways,—upon the commodity they sell, and upon their profits too?—I am aware that for my own part, as an ironmaster, I am taxed upon my profits; and I think everybody is taxed upon the commodity he sells and upon his profits combined in some way or other. I may mention that I go upon this principle, that it would be for the interests of the community, for the interests of the nation, if intoxicating liquors were made more expensive and more difficult to get.

3555. So that you would anticipate that this double tax would really fall upon the consumer?—I think it would. I think that every tax falls on the consumer in the end in some form. Besides, I think it would be a very good thing if the Government could obtain the same amount of revenue they do for only one-half the consumption of drink that exists.

3556. *Sheriff Crichton*.—I think you were going to state some facts with regard to the transfer of licences?—I have already mentioned to the Chairman that I think it would be better that a magistrate who was present at the court should answer the question which has been put to me on that subject. Then, I think I

may express an opinion that the feeling in Glasgow, and it certainly is my own opinion, with reference to the sale of drink by licensed grocers, is that they should not be permitted to sell it in open vessels. I have heard of cases, of course I have not seen them—but I can quite believe what I have heard of this nature—that people have gone into grocers' shops and got drink in an open vessel, and then have gone outside the door and drunk it either on the street or up a close. I believe that has occurred. I think also there should be no less quantity sold by a licensed grocer than a pint bottle, and that that should be corked and sealed. I may say further that I don't think in Glasgow there has been any serious contravention of the law by licensed grocers. I think it is a very rare occurrence that there is such a thing as selling drink in a licensed grocer's shop, and putting it down as provisions. I have heard a good deal of working men's wives obtaining drink in licensed grocers', and having it put down in the pass-book as provisions. That may occur to some extent, but I have been making inquiry, and I think it does not occur to almost any extent in Glasgow. It may do in little villages round the city, but I think that in Glasgow it does not hold good to any extent. The number of licensed grocers in Glasgow with small rents is very few. There are only 34 grocers whose rents are under £20; while there are 65 whose rents are £100 and upwards; and I feel pretty sure that the great majority of the licensed grocers in Glasgow carry on an honest business, and don't in any way break the law.

3557. *The Chairman*.—You have made one suggestion as to an amendment on the existing law with respect to hours. Have you any other to offer?—I am quite as strong in favour of an amendment in increasing the licence duty as I am with reference to the hours.

3558. *Sheriff Crichton*.—It has frequently been suggested that a minimum rent should be fixed throughout the country, applicable, of course, to each particular district. Have you directed your attention to that point?—I have. I don't think it would work well at all, because what would be considered a very moderate rent for premises in Glasgow might be considered a very high one in a small burgh. Take, for instance, Hamilton or Falkirk or Stirling, and many other small towns which are quite respectable in their way, a rent which would be a high one there would be a small one in Glasgow; and I think that the discretion in the matter had better be left to the local magistrates; who know the circumstances of the case, rather than that Parliament should legislate upon the subject. With reference to the eighth question in the circular, as to whether abuses are believed to occur through the sending out of liquor in grocers' or hawkers' carts, I don't think that practice exists in Glasgow.

3559. *The Chairman*.—I did not mean to put that to you, because it refers to the country districts. Is there any other remark you would like to make?—I may mention that there are a considerable number of people in Glasgow who think,—I have not come to any conclusion on the matter myself,—that it would be wise for the Government or Parliament to fix the number of licences for each district according to the population, and that these licences so fixed should be put up to public competition. I find a very strong feeling in Glasgow amongst many of my colleagues and others to exist upon that point, that the number of houses would be very much reduced by Parliamentary action, and that that being so, the licence should be sold to the highest bidder. I don't venture to give an opinion upon that myself, but I know that that opinion exists to a considerable extent.

3560. Have you appointed a public analyst in Glasgow?—We have.

3561. Is it any part of his duty to inspect the liquors sold?—It is, and he is doing so almost every other day. Not only the medicines and the food of the people, but the liquors and the milk are also inspected continuously. We have had many cases where the whisky has been analysed, but I am glad to say it has been found that it has not been, I was going to say diluted, with anything worse than water.

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3562. *Mr M'Lagan*.—Then water is not considered an adulteration, is it?—It is not considered so. I don't know whether it is so according to law or not, but certainly nobody has been brought up before the court for mixing water with the whisky.

3563. *The Chairman*.—It would be a breach of the law in the case of milk?—It is so, and it is punished, and punished pretty severely.

3564. But the selling of whisky in a very new and raw state would not be considered a matter calling for your interference?—I am not aware of any law to prevent people selling it in such a condition. Of course, we magistrates, whether it be the police magistrate or the civic magistrate, are just creatures of statute, and must administer the law as we find it.

3565. It has been said to us that there is nothing so unwholesome or so intoxicating as a very new spirit.—I could quite believe it is so, but I am not aware of any law against the sale of it.

3566. *Mr Ferguson*.—We have heard very strong opinions as to the necessity for separating the trades of grocer and spirit-dealer altogether. I observe in Glasgow that there are a number of spirit shops which have what are called 'family departments.' These are common in London, but there is no such thing in Edinburgh. Do you think it would be a hardship to separate the trades so completely that people could not get spirits at all at a grocer's shop when they might get them at the spirit-dealer's, perhaps only two or three doors off?—That depends on who is to be the sufferer. I believe there are many families sending their servants for groceries, and ordering at the same time say a dozen of beer, or half a dozen of wine, or a few bottles of whisky from their grocer, who would not like to send their servants or to go themselves into a spirit shop where drink is also sold across the counter.

3567. But I observe that here, where there are those 'family departments,' there are different doors to them and separations. I noticed one in Sauchiehall Street, where the family department was round in Cambridge Street. Would not that meet the case?—May I ask, did you go into the shop?

3568. No, I did not.—I think if you had gone you would have found in that case, as in many others, that although there is a door round the corner, it just goes to the same counter.

3569. *The Chairman*.—In London it is very common to have a family door, with the inside entirely shut off?—It is so. I have very often seen these places. There is quite a division betwixt the two places, but the division goes no further than the counter, and the person behind the counter supplies both.

3570. But some of the evidence to which Mr Ferguson referred was that it would be desirable that the sale of drink not to be consumed on the premises should be separated from the grocery business, so that what is now called a grocer's licence should be simply a licence to sell spirits not to be consumed on the premises. Now, do you think it would be desirable that the trade should be so separated? and I would put it to you, in connection with the question, that in the case of a family order for a quantity of liquors, it could be done by letter.—That is so; but I think that the most of families,—I speak of the west end of Glasgow just now,—most of families there desire to have their beer from the same man from whom they get their groceries. It is a very common thing for a lady to stop with her carriage at one of these shops, and go in and order the tea and sugar and other groceries for the household, and also the beer along with it, whereas she might not care to go into a spirit shop. Of course I should speak about Glasgow more than any other place with reference to any remarks which are made; but I think that in Glasgow the conduct of those shopkeepers who have grocers' licences is such that there is really no call for any alteration of the law, so far as Glasgow is concerned.

3571. But of course you know that any legislation must be general?—Of course it must.

3572.—When you speak of people not liking to go into spirit shops, is not that considering a spirit shop

somewhat in the light of a publichouse; but if the spirits could only be sold to be taken away, there would not be the disagreeable association of men drinking at the counter?—Then I understand, Sir James, that you propose a new character of licence?

3573. No; I am only putting to you proposals which have been made by others, that you may give your opinion upon them, but that would be the effect of it.—The proposal, then, is that there should be licences for the sale of drink, and no other thing in the shop but drink; and that it should be carried away and not consumed on the premises. There are shops in Glasgow that adopt that plan. One of our greatest gentlemen, who has many publichouses in Glasgow, has several shops in which he does not permit anything to be consumed upon the premises; they are obliged to carry it away. That would do better perhaps than allowing the present system to continue altogether in every place; but I have no hesitation in saying that the mass of the community would prefer to be allowed to get their beer from the same shop from which they get their groceries.

3574. *Mr M'Lagan*.—It has also been suggested that the grocer might have the beer and wine licence and not the spirit licence. What would you think of that?—I think it would not matter much, if you made it a rule that they must take it away off the premises in a sealed bottle.

3575. You stated that respectable females would object to go into a spirit-dealer's to get their spirits or their wine; but is it not the fact that some of those very respectable females go at the present time to confectioners' to drink there, and have their glass of spirits or their glass of wine?—I am not aware of any one going into such places, except when they go for food as well as to get drink.

3576. But they get drink there?—Yes. For instance I may go down to any restaurant, of which there are a great number in Glasgow, and go in to have my lunch and have my glass of wine or my glass of beer along with it; and that opens up one question which I may state to you, on which there is also a considerable amount of opinion in Glasgow,—that is, that many people consider it would be wise that no person should get a licence to sell drink to be consumed upon the premises unless they also were bound to supply tea and coffee and cooked provisions in the same place. I may say for my own part that if there were such an alteration made in the law, it is one that would command my thorough approval.

3577. *The Chairman*.—You think, in fact, that a person who receives a licence should be a victualler?—Yes. They should be what their name implies, licensed victuallers, supplying food, cooked provisions, tea and coffee, as well as drink on the premises. I think it would be a very great advantage to the country if such were the case.

3578. *Mr Ferguson*.—Have you in Glasgow what we have met with elsewhere,—many small grocers who really are not grocers, but practically are only sly spirit dealers?—I think not. The number of small grocers, that is those with rents at £20 and under, in Glasgow is only 34 altogether. Of these 23 are in the eastern district of the city, and eleven are in the west; and the character of the houses, as well as the character of the population in the east, is such that a smaller rent there means quite as much respectability as a larger rent does in the west end.

3579. *Mr M'Lagan*.—As regards the character of the houses, do the magistrates of Glasgow in licensing a house take into account whether that house has a back door or not?—They do.

3580. And also as to whether there is any communication directly with the house?—Yes. They take that into account too.

3581. Do they refuse in every instance a licence to a grocer who has a communication between the house and the shop?—In all cases the licence is refused where there is any back door, or any means of getting out except by the front door.

3582. And if there is any communication between the

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dwelling-house of the grocer and the shop, do they refuse the licence?—That requires to be answered with this explanation, that there are cases,—there are not many now, but they do exist,—where the licensed person resides on the premises. His house and his shop are in one. When that occurs, of course, the front door is the only means of egress or ingress to the house.

3583. The front door of the shop?—Yes. But I believe there is almost nothing of that kind in Glasgow now. At one time it existed considerably.

3584. There is no licence given now for such a combination of house and shop?—No; none.

3585. *Sheriff Crichton*.—That would be considered a ground for refusal?—Yes.

3586. *Mr M'Lagan*.—You mentioned a short time ago that the families in the west end of Glasgow sent their servants to the grocer's shop to buy groceries and at the same time to order half-a-dozen of beer or wine or a few bottles of spirits. Have you ever heard the complaint that these servants were taught tippling habits by being sent these messages, and having been offered a glass of spirits by the grocer?—I have heard of such things, but that is just one of those things that I referred to as beliefs and impressions.

3587. No case has ever come within your own experience of a servant woman, becoming afterwards a working man's wife, and tracing her drunken habits to getting a glass of spirits from the grocer?—No; I have never heard of that; or rather, I should say, I have heard of such things, but I don't know myself of anything of the kind occurring.

W. M. Wilson.

97. Mr W. M. WILSON, examined.

3588. *The Chairman*.—You are town-clerk of the burgh of Govan?—I am.

3589. Has Govan a separate licensing bench?—The magistrates of Govan are magistrates under the General Police Act, and have no jurisdiction in granting licences.

3590. Are they subject to the city or the county?—They are subject to the county in the granting of licences.

3591. You are aware, however, I suppose, of the number of licences held in the burgh of Govan in this and previous years?—I am. I have brought a note of the number of licences granted by Her Majesty's justices to the burgh of Govan since the burgh was formed in 1864; and I have some statistics of the state of matters with regard to licences in the village of Govan prior to the formation of the burgh. I may mention that Govan is a very old centre of population; it is not a mere overflow of Glasgow, but has always, since the 16th century, been an independent centre, and, with Glasgow, has gradually extended. When the burgh was formed under the General Police Act of 1862 in 1864, the population was somewhere under 10,000,—probably about 9000; but with the establishment of public works, shipbuilding yards, and other large centres of industry, the population, which at the last census in 1871 was returned at 19,214, is now in the present year returned by the Lands Valuation Assessor, upon the basis of five persons to every house, at 43,000.

3592. I observe that in a Parliamentary return dated 1875, the population of Govan is set down at 57,000?—That may refer to the parish of Govan. There is a parish as well as a burgh,—the parish, of course, having a much wider area; but the burgh, properly so called, I think I may state upon the authority of the Lands Valuation Assessor, Mr Nisbet, has now an estimated population of 43,000, as against 19,214 at the last Parliamentary census. In 1830, with a population in the village of Govan (the area of which was much smaller than that of the burgh) of about 1000 persons, on the authority of one of the oldest inhabitants, there were 24 publichouses. These publichouses were very old and very small. In 1840 I believe the population had not much increased. I cannot give the exact figures then, nor can I give the figures for 1850; but in 1864, the year when the burgh was formed and eleven years

after the institution of grocers' licences, there were in the burgh of Govan 15 publichouses and 13 licensed grocers, in all 28, the population then being about 9000. In 1865, the licences granted were 17 publichouses and 15 grocers, in all 32. In 1866 the population had increased to nearly 17,000, and the justices then granted one additional grocer's licence, the numbers being 17 publichouses and 16 grocers, in all 33. In 1861 there was 18 publichouses and 16 grocers, in all 34. In 1868 there were 21 publichouses and 18 grocers, in all 39.

3593. We need not take them for each year; but perhaps you will come down to 1871, the date of the next census.—The return of the census of 1871 showed the population of the burgh of Govan to be 19,214, and in that year the licences granted for the burgh by the justices were 31 publichouses and 22 grocers, in all 53, being, as I calculate, one to every 363 persons.

3594. Will you now come down to the present year?—Perhaps you will take the last year, because the present year 1877 in the question of licences is not yet complete. In 1876 the estimated population was 40,000, and there were 70 publichouses and 44 licensed grocers, in all 114, which appears to be one for every 350 of the population. The licences, as you are aware, are granted at half-yearly terms, Whitsunday and Martinmas; the licences for the current year are fixed, so far as Whitsunday is concerned, but Martinmas is still unfixed.

3595. You need not go further into that; but as matter of fact, do you say that the number of licences granted in the last ten years has kept pace with the increase in the population?—They have certainly increased. I am not able to give you the ratio compared with the increase of the population, but they appear generally to have kept pace with it.

3596. Are a large proportion of the grocers in Govan licensed?—I have not got the figures as to the number of unlicensed as against licensed grocers, but I think the majority are licensed.

3597. As you are not an officer of the licensing authority, I don't ask you any questions as to the grounds for granting or withholding licences.—I think I could give the Commission some information upon that point.

3598. In what way are you acquainted with it?—Not officially as town-clerk, but I know the system of licensing thoroughly as it obtains in the Justice of Peace Court, from having had occasion in previous years to attend there professionally.

3599. Then you can tell us on what general principle the justices in that district grant or withhold licences from grocers?—The legislature has committed to the justices a discretionary power, and that has reference to character, to suitability of premises, and to the apparent requirement of supply in the neighbourhood. I think Her Majesty's justices are moved by these considerations in dealing with any application, but at the same time I know that irregular influences in the way of canvass are frequently brought to bear.

3600. The justices have not laid down for themselves any definite principle as to the number of houses they consider proper for the district or the size of the houses to which they would grant licences?—No fixed rule as to size has been laid down. No fixed rule as to the proportion of licences, whether grocers or publichouses, to population is laid down by the legislature; and accordingly the justices have avoided laying down any hard and fast line; but at the commencement of every licensing court, whether of magistrates in Glasgow or of justices, the public prosecutor (the procurator-fiscal) calls the attention of the licensing bench to the existing state of matters and the present population. He reports that there are at present so many grocers or so many licences, and that the population is such as he correctly states; and there is no doubt that the bench are moved by general considerations of the proportion of licences to population.

3601. Have any licences been granted by the district bench and refused by the county licensing committee under Dr Cameron's Act?—I don't know personally of any case in which an application granted by the

licensing court in the first instance has been reversed on review.

3602. *Sheriff Crichton*.—You said something about irregular influences, such as canvassing, being brought to bear. Was there any other irregular influence to which you referred?—No; I cannot point to any other.

3603. *The Chairman*.—Do the convictions obtained for breach of certificate by grocers in Govan come under your personal knowledge?—The magistrates of Govan not being a licensing authority, construed the publichouse statutes as precluding them from exercising jurisdiction over breaches of certificate; but I may mention that there is a judicial difference of opinion upon that head, and that the Supreme Court has held in a case that I may quote to you that the General Police Act gives the magistrates a jurisdiction over breaches of certificate. In Govan, however, they do not exercise it; but in Govan they do exercise a jurisdiction in connection with the Public Houses Acts under the following clauses of the Act of 1862:—They exercise jurisdiction under section 16, which deals with hawking; under section 17, which deals with shebeens; under section 20, which deals with illegal possession, in supposed shebeens, of excisable liquors without licence; under section 21, refusing to leave licensed premises; under section 22, persons misrepresenting themselves as *bona fide* travellers; under section 23, relating to drunk and incapables; and section 24, harbouring constables. All these are offences under the Public Houses Act.

3604. Then, can you tell us what number of offences for last year were brought under the cognisance of the magistrates with respect to grocers' shops or hawking spirits by grocers?—The police superintendent and procurator-fiscal, Mr Young, publishes annual criminal returns. I applied to him for these returns, and would have laid them before you, but I have not been favoured with them.

3605. Are there many small grocers in Govan subsisting chiefly by the sale of spirits?—I don't think it.

3606. Are they mostly houses of considerable size?—They are mostly respectable shops.

3607. Are there any matters on which the magistrates think the law deserving of amendment?—The magistrates having no licensing jurisdiction, have not pronounced collectively any magisterial deliverance upon this question; but I think I express the popular sentiment when I say that there are some points on which an amendment would be desirable.

3608. What are these points?—I think in a large and important burgh like Govan, having regard both to its area and population, the magistrates should be vested with licensing power either exclusively or in connection with some licensing committee of the justices. At present they have no control over the granting of licences; and the representation of the burgh of Govan at the justice of peace court, in the person, I mean, of Her Majesty's justices, is inadequate to the population. There are, I think, not more than six justices to represent the burgh of Govan,—that is to say, justices who are locally connected with the burgh; and of these one or two are gentlemen practically disqualified by great age from attending.

3609. What petty sessions fix the licences for Govan?—The petty sessions for the lower ward of Lanarkshire, sitting in Glasgow.

3610. So that they may not have much local knowledge?—The reverse is the case. It is sometimes difficult to give them adequate conceptions of the requirements of the place. That is remedied, so far as it can be remedied, by orders for inspection, but we all know that an inspection on the part of a gentleman who is not locally connected with the place, and does not know its requirements and exigencies, is a mere matter of form and does not meet the case at all.

3611. *Sheriff Crichton*.—Are these inspections at Govan generally conducted by gentlemen who are not familiar with the local requirements?—No. On the contrary, the justices as a rule prefer local gentlemen if they can find them, but they are not always to be found. The local justices who are usually there are only three.

Of the six, one is ninety-two years of age, another is about seventy, and a third is between sixty and seventy; while the remaining three are in mature life, but these are gentlemen very much occupied in business, and they are not always present.

3612. *Mr M'Lagan*.—Are there complaints in Govan that there are not a sufficient number of licences?—No. I think the public opinion is that the licences ought not to be increased, that the present supply has been made equal to the demand; and that has been the feeling of the licensing court for the last two or three licensing terms. I think at the last licensing term no licences were granted at all, although there were a great many applications. At the coming licensing term, there are applications for 16 additional publichouses and 4 grocers.

3613. *The Chairman*.—Can you say whether it is the opinion of the magistrates, without their having expressed any distinct deliverance on the subject, that grocers' licences are beneficial or otherwise as compared with publichouse licences?—It would seem that grocers' licences meet a natural requirement. There is a distinction between merchandise and public entertainment; and the grocer meets the case of those who do not require to be entertained in a publichouse, but who do require excisable liquors which they may purchase in connection with ordinary supplies.

3614. You are not aware, I suppose, that the system has led to abuse?—The only points indicated as capable of abuse, so far as I have heard, have reference to alleged sales to wives of spirits under the guise of goods, and to the treating of customers and their servants in the grocer's shop, and occasionally I have heard of the treating of policemen. These reports, as far as I have been able to bottom them, do not appear to have any foundation in fact within my experience in Govan.

3615. *Sheriff Crichton*.—Have you taken any means to inquire as to those matters?—I have not made any domiciliary visitation, but sitting as I do in the police court as clerk to the court, and as assessor, I see the class of people who are brought up from day to day, and can form a fair opinion with regard to them.

3616. I wanted to know how you had come to form the opinion which you have expressed?—During my experience, I can remember only one case of a licensed grocer being charged with harbouring a constable during his hours of duty, and in that case the grocer was found not guilty. It appeared that the supply had been made, but made in his absence by a shopman, not only without his consent, but against his express injunctions. I have never had any case substantially brought home of wives receiving, through pass-books, spirits under the guise of goods, or of servants being demoralised by receiving spirits at the grocers' shops.

3617. *The Chairman*.—Or of grocers allowing liquor to be consumed on their premises?—I cannot speak to that.

3618. Is there any other matter that you desire to bring before the Commissioners?—I think if your Commission is to take any practical shape afterwards, it might probably be desirable to fix some ratio of publichouse supply to population, meaning by publichouse supply, not merely publichouses or licensed publicans, but also grocers. I think that both grocers and publicans, properly so called, should be dealt with as persons supplying excisable liquors.

3619. Have you come to any opinion as to what their number should be?—I think one to 500 is allowed to be a fair proportion,—one licence for a grocer or publichouse to every 500 of a population; but still the ratio cannot, in the nature of things, be equally distributed locally over any area, because population differs in various parts of the same burgh. I think also that the magistrates of Govan should not merely receive a primary licensing power, but, as a matter of course, should control the alleged breaches of certificate. Also, that canvassing of courts ought to be made penal. Also, that some restriction ought to be imposed on the holding of licences so as to repress pluralism.

3620. Do you think it a disadvantage that one man should hold a licence for more than one shop?—It may be said in its favour that as a publican who holds two

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3621. *Mr M'Lagan*.—Or with back-doors to their shops?—I don't think a back-door is in itself objectionable.

3622. Do you think a communication between the grocer's house and the shop is objectionable?—I think that is objectionable. I think it might permit irregular supplies after statutory hours.

3623. *Sheriff Crichton*.—Would you be a little more specific as to what you mean by 'fairly open to inspection'? What do you mean by that?—A free, open shop, without any back apartments.

3624. Without any back apartment at all?—I think so,—that is to say, if they are to be subjected to the obligation of not selling for consumption on the premises, they should not be exposed to the temptation of being asked for drink.

3625. Do you think that even a back apartment for storing his goods would be objectionable?—A licensed grocer must be dealt with as presumably a respectable citizen: he must have his counting-house, and he must have necessary storage for his goods.

3626. *Mr M'Lagan*.—If you would limit the number of licences to a certain number of the population, would you allow these licences to be set up to public auction, or would you pursue the plan at present adopted?—I would be inclined to follow the plan hitherto adopted.

3627. Then that, of course, would be giving a favour to the particular individuals who get these licences, and increasing the value of their property?—A licence is always a privilege: you cannot deal with it on any other footing.

3628. But why not allow the public to have the opportunity of getting a licence, instead of leaving it entirely to favour?—There is no doubt that would be an advantage either to the municipal revenue or to the public exchequer.

3629. Allowing it to be for municipal purposes?—The result would be that the capitalists by-and-by would have all the publichouses in their own hands.

3630. How so?—Because the highest bidder would prevail. According to your proposed system, if licences are to be exposed by public auction, to be knocked down to the highest bidder, the man with the longest purse would win.

3631. That would depend upon the profits of the trade, would it not?—At the present moment a licence in itself is a valuable asset, and the trade is peculiar.

3632. Then the effect of adopting such a plan as you propose would be to give a monopoly to a certain number of gentlemen?—That implies a reflection against the licensing court.

3633. But whatever it implies, it is a fact, is it not, that that would be giving a monopoly to a certain number of gentlemen by limiting the number of licences?—The legislature did not in the Public Houses Acts contemplate free trade in licences. The legislature contemplated a limited supply to be governed by the discretion, and the sound discretion, of gentlemen occupying the licensing bench.

3634. Still, if you limit them too much, you are giving a large monopoly to those who possess them, are you not?—There is no doubt that is the fact. I was about to mention that I have had occasion repeatedly to direct the attention of the magistrates, in dealing with people brought before them, to the distinction which they ought to draw as magistrates between mere inebriates and drunkards,—between those who may happen to be overtaken upon an exhausted nervous or physical system with bad drink, or, it may be, too much

drink, and who for once in their lives are brought to the police office, and those who are habitually drunk. It appears to me that in a good many cases the people brought before the police court called drunk and incapable are not drunkards in the moral sense of that term at all. They are men, or they may be women, who, after being exhausted by long and fatiguing work, without food, sometimes get bad drink upon their stomachs,—the bad drink being either raw or adulterated spirits. There is no provision in the Scotch statutes against adulteration, and I would ask your attention to the English Licensing Act of 1872, sections 19 to 23, which provide against adulteration, and respectfully suggest that some corresponding clauses should be introduced into any amending Scotch bill. Something has been said as to the propriety of limiting grocers in their supplying of liquors to sealed bottles. There is no doubt that where young persons are sent as messengers to grocers' shops for a supply of liquors, the supply in sealed bottles would prevent these young persons from acquiring a taste for liquor.

3635. *Sheriff Crichton*.—Then you think that would be an improvement?—I don't think it would, generally speaking. I think it is merely beating about the fringe of the whole question.

3636. Have you anything to say about the separation of the trades?—I understood from what the Chairman said, that some suggestion has been made that a new category of licences should be instituted, namely, licences to persons who do not sell groceries to sell drink for consumption outside the premises. I think that would produce great public inconvenience. It is a very great public convenience that families and people who do not desire to repair to publichouses, but who do desire excisable liquors, whether spirits, wines, or beer, along with their groceries, should be able to obtain these at the same shop, and by the same common order.

3637. *The Chairman*.—The suggestion did not propose that no spirits should be sold except in publichouses, but that separate licences for the sale of liquor not for consumption on the premises should be given to houses not selling groceries?—So I understand.

3638. But you said you thought it would be hard that families should have to resort to publichouses. That would be quite a different suggestion from the one which has been made.—I think the public would scarcely draw the nice distinction that there would be in the category supposed between a publichouse proper for the consumption of drink supplied for consumption within the premises, and a house for supplying drink to be consumed outside the premises. They would both be publichouses in that event, only the one would be for consumption inside as well as outside, while the other would be for consumption outside only.

3639. Then, according to what you say now, the grocer's shop would be a publichouse also?—Not now, and for this reason, that the licensed grocer combines in his trade the supply both of groceries and of excisable liquors.

3640. *Mr Ferguson*.—Then all that you seem to say is that it would be an inconvenience for the public not to get their liquors where they get their groceries. Looking at the question in the light of the great amount of apparent abuse of that ability to get liquors in grocers' shops, don't you think it would surmount the inconvenience, and that people should put up with a little inconvenience if a great public good is obtained by stopping it?—With all deference I think you are assuming an evil which has not been proved to exist.

3641. But assume that it has been proved to exist.—Assuming that grocers abuse their licences by supplying wives or members of working men's families with excisable liquors under the guise of goods, and assuming that their licence affords facilities for demoralising young people and for demoralising policemen and servants, there is no doubt that some good might accrue from the separation supposed; but would the evils which you contemplate to suppress by this separation not accrue under the new order of things?

3642. *Mr M'Lagan*.—Is there any reason why a

grocer should have a licence any more than a baker?—Grocers do sell bread.

3643. Yes, but they are not bakers. Is there any reason why a grocer should have a licence any more than a baker?—There is no more reason why a grocer should have a licence rather than a baker than that a grocer should have it rather than a farmer.

3644. *Mr Ferguson*.—Is there anything to prevent a baker from taking out a grocer's licence, and selling spirits along with his loaves of bread?—I think if he applied to any licensing court for a grocer's licence, and it was explained to the court that he was a baker, the court would not consider him to be a grocer in the sense of the Act.

98. Commander W. B. M'Hardy, R.N., examined.

3645. *The Chairman*.—You are chief constable of the county of Lanark?—I am.

3646. You have been good enough to give us some figures in your reply to our circular, and we shall ask you to give us them more in detail in another table, but perhaps you would state generally to the Commission the comparative numbers, say from twenty years ago till now, showing the increase or decrease of licences in the county?—I can only give you these figures from 1872. I hope to be able afterwards to furnish a return for the back years, but it will take some time to pick them out. Speaking generally, however, from 1872, the number of licences has increased in exact proportion to the increase in the population. In 1872 there were 220 licensed grocers and 747 licensed places; and the population was 228,000. In 1876 there were 260 licensed grocers and 836 licensed places, and the population was 267,000.

3647. That is excluding the city of Glasgow?—It is excluding the city of Glasgow and the burghs of Airdrie, Hamilton, Govan, Partick, and part of Maryhill.

3648. With respect to Govan, the county authorities, we have been told, do fix the licences?—They do not show in my return.

3649. *Mr Ferguson*.—Do they fix the licences for those other burghs you have been mentioning, as well as Govan?—A committee is formed of the county magistrates conjointly with the burgh magistrates for all these burghs.

3650. We were told just now that the magistrates of Govan under their Act have no licensing power. Is it the same with the magistrates of Partick, for instance, and Airdrie?—I believe they are the same.

3651. *The Chairman*.—The town-clerk of Govan told us that the county magistrates of the lower ward, in the Glasgow petty sessions, fixed the licences for the burgh of Govan?—I believe that is so.

3652. How is it, then, that they are not under you?—The returns I have here are only in connection with my own criminal returns, and they do not take the slightest cognisance of Govan.

3653. *Sheriff Crichton*.—They have a separate police in Govan?—Entirely separate.

3654. *The Chairman*.—Nevertheless the magistrates, who have no special jurisdiction in Govan, fix the licences?—I believe they do.

3655. Have the magistrates of the county laid down any general scheme as to the number of houses in the several districts, or do they proceed upon any definite principle?—I am not aware of any, and if there were any, I hardly think I should be cognisant of it.

3656. The chief constable of East Lothian gave us a set of rules that had been laid down and acted upon for the last twenty years by the magistrates there.—I know of none here.

3657. Do the magistrates refuse many licences applied for by grocers?—They refuse a number,—I cannot say how many.

3658. Is that generally upon the ground that there are already a sufficiency of licences, or on other grounds also?—I don't think the ground is stated, but I think

it is generally understood that it is on account of there being already ample accommodation.

3659. Is the action of the magistrates in the several districts different in that respect?—I think not.

3660. Then hitherto, I mean previous to the passing of Dr Cameron's Act, you would not say that in one district more than another there were appeals against the granting of licences on the ground that they were unnecessary?—I have been here for only some eighteen months or two years, and I cannot speak to what happened before then.

3661. You have, I believe, formed a distinct opinion as to the tendency of grocers' licences?—I have.

3662. Would you state what that opinion is?—I believe that on the whole, they act beneficially in the absence of any other arrangement for supplying liquor to families.

3663. Perhaps you would state what your reason is for holding that opinion?—I consider that many people require intoxicating liquors who would object to go to the present publichouses or to the present hotels to get them; and on that account I think it is an advantage that they should be able to supply themselves by going elsewhere.

3664. But in that way, by the facilities thus afforded to people who would dislike to go to a different class of licensed houses, the consumption of spirits would be increased, would it not?—Yes; I think it decidedly would.

3665. I observed you guarded yourself by saying as long as the class of houses remained as at present. Have you contemplated any change of the system as an improvement?—I don't approve personally of the system of grocers supplying liquors, because I consider it to give them an unfair advantage with regard to other traders in liquor, and also because it gives them opportunities of inducing their customers to purchase liquor when possibly they would not otherwise intend doing so. I think, if it could be arranged that the present trade in home-consumed liquors could be transferred to some other place of business, kept apart entirely for spirit traffic, it would obviate all the objections at present taken to the grocers' licences.

3666. You said that you thought it gave them an unfair advantage over other traders in liquor. Is that what you meant?—That is what I meant. I think it puts the hotel-keeper and the publican at a great disadvantage, and in order to meet that disadvantage, and to get a fair remuneration, possibly, they are obliged to conduct their business less according to law than they would otherwise do.

3667. Do you mean that there is an unfair advantage, because as the grocer is a trader in provisions as well as in liquor, the same kind of people must go to his shop to get their goods?—Yes, and necessarily they are apt to purchase liquor.

3668. Has it come under your observation that grocers' licences are in some cases held by persons who are not fit to be intrusted with them, because I observe that in your answers to us, you say: 'In instances, licences are issued to grocers, although in many respects obviously very objectionable,' or has that reference merely to the system?—It has reference merely to what I consider to be this extra inducement to purchase, and also the additional advantage to the grocer for pushing his trade.

3669. Then, perhaps, I had better put it in this way: Are there many cases of evasion of the law by licensed grocers in the county of Lanark?—There are very few that come to my knowledge; but it is exceedingly easy for a grocer under the present law to evade it, and I have no reason to believe that it is not evaded.

3670. I see that in the county in 1876 there were 16 cases against grocers reported, and in 10 of them convictions were obtained?—That was so.

3671. But were there many cases of suspicion besides?—There are a great number of grocers in the county undoubtedly who are supposed by the police to break the law, but there is no evidence to that effect.

3672. With respect to what sort of offences?—The police are under the impression that grocers frequently

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give liquor to their customers, and that it is drunk on the premises; but unless a policeman has reason to believe that an offence is being committed at the time, he has no right to go and search the grocer's shop and make an inquiry, the same as he has a right to do in a public-house at any time.

3673. You have referred in your answers to the proceedings in the Small Debt Courts as throwing light on the malpractices of certain small grocers. Could you state any instances of that kind that have come under your knowledge, without naming the parties?—There was a case a few weeks ago where a grocer tried to recover a small debt, and it was stated in court at the time that the charges were partially for liquor, which had been entered as goods. The grocer acknowledged that in court, and I believe that amount was taken off his bill. I have heard from the police that that is not an exceptional instance in the Small Debt Court; but I should think that the clerks of these courts could give better evidence on that matter.

3674. Then I understand your opinion to be that it would be a preferable system that licences for the sale of intoxicating liquors not to be consumed on the premises should be distinct from the trade in provisions?—That is so.

3675. Is that opinion formed on abstract grounds, or from reports made to you of what has occurred in the county, and what you understand to be the general opinion in the county?—I formed it myself from the reports that have been made to me from time to time by the constables and superintendents as to the difficulty they have in checking the illegal traffic in spirits.

3676. Do you think it would be easier to check it in houses set apart for the sale of spirits?—I think it would, in many ways. One difficulty which the police meet with is the hawking of spirits by grocers' carts and bakers' carts; and if the man who dealt in spirits was neither a baker nor a grocer, there would be no excuse for him taking his cart round. That is only one instance, and I think there are several others.

3677. *Mr Campbell Swinton*.—Would he not still have to take his cart round to supply his spirit customers?—In that case, I think his cart and his traffic would be to a very great extent under proper supervision, but that is not the case just now with a grocer's cart.

3678. *The Chairman*.—You think officers would not feel justified in inspecting the contents of a grocer's cart?—I don't think they would be. I don't think it is the intention of the law that they should; they would be interfering with the trade.

3679. Have you any reason to believe that there is a practice in the county of hawking spirits in grocers' carts?—I have reason to know that, if it was not for the exertions of the police, the practice would undoubtedly exist, because it has been stopped by them at different times.

3680. How did they stop it?—There were proceedings taken in two or three instances, and in other instances the parties have been warned.

3681. *Sheriff Crichton*.—Have convictions followed where these proceedings had been taken?—Not in all cases, but they were in some.

3682. *The Chairman*.—I see you suggest that hotel licences should only be granted conditionally on separate entrances being provided for properly conducting a trade in liquors for home consumption. What have you to say about that?—I think there ought to be a separate establishment of some sort for dealing in liquors for home consumption; and it occurred to me that if it was made imperative on hotel-keepers to open a place of that description, it would meet the want.

3683. Where there was no separate spirit shop?—Yes. If the magistrates found that there was no separate spirit shop of the kind, it would enable them to call on the hotel-keeper to open one.

3684. In using the word 'hotel' there, do you mean to include publichouse?—I mean hotel, not publichouse; but if the magistrates thought fit to order a publichouse-keeper to open a separate entrance, I don't see that there would be any objection to it.

3685. In what other way do you think the law might

be amended with advantage with respect to these licences?—I think the licence ought to contain a provision that the premises to be used for this traffic are not to be open for traffic in other goods, except at the hours at which they are allowed to traffic in liquor. The police inform me that they have a difficulty now in restricting the drinking after 11 o'clock on account of the grocers and people who have these licences having their shops open for traffic after that hour, and they attribute, I don't know whether rightly or wrongly, a certain amount of the drunkenness after 11 o'clock to these grocers' licences. I have tried to find proof of that, but I have not succeeded. I heard a suggestion made here by the Lord Provost of Glasgow with reference to the closing hours. I certainly think that 10 o'clock is late enough at night in nearly all country places for keeping these places open; and one strong reason I should give for closing the houses at 10 o'clock, at least on Saturday nights, would be the fact that at present, on Saturdays, the constabulary force, certainly in Lanarkshire, and I believe everywhere in Scotland, are far too heavily over-taxed; and that to keep up a sufficient force to meet the requirements of Saturday night would be keeping up the number of men at double the strength that is required for other days of the week. I consider that just now the constable is the hardest worked man possible from Saturday afternoon to Monday morning, if he does his duty.

3686. Have there been any cases reported of the sale of spirits by grocers on Sundays?—There are certain grocers who combine a traffic in milk with their other commodities, and the police suspect certain of them of giving out liquor from their private houses as milk to their customers; but I have no proof of that.

3687. Have the offences in connection with drunkenness reported in the county of Lanark increased of late years,—when I say that, I mean under the head of drunk and incapable, or drunk when arrested on other charges?—No. I think they have considerably decreased. Taking the last five or six years, I find a considerable decrease, but I attribute that partly to the decrease in wages. I find under the heads of assault, breach of the peace, and disorderly conduct, which I believe may all be attributed to drunkenness, the cases in 1873 were 3287, and in 1876, 2500.

3688. Then it is your opinion that drunkenness and violence are more prevalent when the wages are high?—That is the only way in which I can account for the variation in these statistics.

3689. *Mr Campbell Swinton*.—You spoke of the difficulty that the police have in detecting breaches of certificate in grocers' shops. Would it be sufficient, or would it be a very great improvement at any rate, that they had exactly the same power with regard to entrance at all times to grocers' shops that they have to publichouses?—No. I think that the advantages gained would be more than counter-balanced by the disadvantages of it.

3690. What would be the disadvantages?—I think that people who were purchasing their goods there would be so much annoyed at the supervision of the police that it would be hardly discreet to exercise the power even if it was given.

3691. But why should a woman who is buying tea or sugar be annoyed by the police seeing her?—I know as a fact that the public are annoyed by the police supervising them too strictly; and I think it would be unfair to subject a general trader like a grocer to that supervision unless it was absolutely necessary.

3692. Is there any reason why he should not be subjected to it as much as a hotel-keeper, who is also a general trader, and a much more general trader than a grocer is?—I suppose there is an absolute necessity for it in the case of a hotel-keeper, but I am not sure that that necessity exists in the case of a grocer.

3693. *Mr Ferguson*.—You told us a little ago that, although you could not give proof of it, you had a pretty strong impression that the certificates are broken to a pretty large extent in the county, and you said the difficulty in proving it was because the police had no power to go into a house to inspect it. Would it not

be an advantage for the police to have that power?—So far as making these detections is concerned, it certainly would be.

3694. They need not exercise it unless they had reason to believe that there was something illegal going on?—No; but the class of men to whom you would be obliged to give that discretionary power might not be able to exercise it so judiciously as one could wish.

3695. *Mr M'Lagan*.—What instructions do you give to your constables about entering a publichouse?—Unless a publichouse is known to the police to be exceptionally well conducted, they understand that they should visit it as frequently as possible without causing undue annoyance.

3696. And they do so even although they are not suspicious of anything wrong going on in the house?—Frequently.

3697. Then, as regards the power which the police have for visiting grocers' premises, do you think that, as the connection exists at present between selling spirits and selling groceries, it is almost impossible for the police to exercise their duties aright there?—I think so. I think under any circumstances it would be impracticable.

3698. And that is one reason why you advocate that the sale of groceries and the sale of drink should be disconnected?—That is one reason, but also I should like to remove the temptation to people to purchase. I think it is also a very strong argument against the grocer's licence that it should afford grocers such undue advantages over other traders in liquor.

3699. Is it not the fact, also, that they have unfair advantage over other grocers,—that is unlicensed grocers?—I should think it very probable that they had, but I have no information to go upon on that matter. I may mention that the proportion of unlicensed to licensed grocers in the county of Lanark is about four to one,—that is to say, there are four unlicensed to one licensed grocer.

3700. *Sheriff Crichton*.—Have you any reason to believe that the police of the county are treated at all, either by grocers or publicans?—No. On the contrary, I have every reason to know that they are not.

3701. Is the provision with regard to reporting premises from which people are seen issuing in a state of intoxication observed in the county of Lanark?—It is not.

3702. Have you any difficulty in that county in working the clause with regard to drunk and incapables, I mean in consequence of the distance they are from a magistrate or from a place where they can be committed?—A difficulty in what way?

3703. When a person is found drunk and incapable he is sometimes at a distance from a place where he can be kept, and sometimes at a distance from a magistrate. Have you any difficulty in the country districts in working that clause, seeing that the fine is only 5s.?—The difficulty with regard to locking them up does not exist to any extent in Lanarkshire, because the station-houses, or lock-ups, are so numerous; but it is quite the exception for a drunk and incapable man to be taken before a magistrate when he is discharged.

3704. How do you deal with them then?—If they happen to have money, a pledge is taken from them; that is forfeited as a matter of course, and nothing more is done in the matter. I believe, however, that that practice, which is common everywhere in Scotland, is hardly strictly up to the intention of the law.

3705. Is that practice followed in consequence of the distance for which they would have to be taken to a magistrate?—It arises partly from the distance; but it does not arise entirely from that, because it is carried out in burghs and places where there is no distance to take them beyond a few yards. I think it arises from the expenses attaching to the prosecution.

3706. There is no provision for expenses in the Act of Parliament with regard to these offences, on a person being convicted?—No. I believe the expenses amount to some 10s. 6d., and the fine is only 5s.; so I have always understood.

3707. *Mr Ferguson*.—In the country districts are the

premises where groceries are sold distinct from the houses, or is there communication between them?—I think in most cases there is communication.

3708. Do you think that increases the facility for evading the law?—It would increase it, if they required any extra facilities, but they can evade the law so easily otherwise that I think it really makes no difference. I have noticed one fact in connection with this matter which I may mention, that an unlicensed grocer has always an open window, and his shop is comparatively open; but if he gets a licence, and if you look at the same house a while after a licence has been granted for selling spirits, you find the glass stained or the window hidden with boxes, and the whole place obscured. I have noticed that myself.

3709. *The Chairman*.—I have been asked to put to you two or three questions. Do you think that in villages or small towns, where the shopkeeper, in order to live and meet the wants of the locality, must keep a great variety of articles, there would be sufficient business for a spirit-dealer pure and simple, who sold beer and spirits only to be removed from the shop and not to be consumed on the premises?—I think there would. I think it would be an advantage in these small places if the publichouse combined the sale of home-consumption liquors.

3710. With a separate entrance?—I would not say merely with a separate entrance. I would say that it should be a distinct place altogether.

3711. Then with regard to spirit-dealers pure and simple, what security would you have that such a spirit-dealer, if established, would not be as ready to violate his licence as the grocer is assumed to be?—I think he should be put under exactly the same supervision as a publichouse, and he would not have the same opportunities as a grocer, because he would not have his customers coming to him so frequently. If a person goes into a spirit shop, and if it is a spirit shop pure and simple, the constable knows he has gone in there to purchase spirits, and he may if he choose walk in and supervise the transaction; but it is not so with a grocer, because a man may go in there to buy a pound of sugar or anything else, and the police could not be following everybody into a shop.

3712. Is it not the fact that the police do not think it worth their while to supervise grocers' shops, but that if proper supervision were exercised, breaches of the law would have a better chance of being detected?—I think undoubtedly that if the police exercised their powers, or rather if they stretched their powers, for I think they exercise all the law intended them to exercise,—but if they stretched their powers, and frequently visited these places, under the excuse that they suspected evasions of the law, they would certainly make detections, or prevent evasions from being committed.

3713. Is there anything else you would like to say?—Nothing, except this, that in the event of a change in the law, I see no reason why the present grocers should not be allowed to open a separate establishment in some other part of the district, at least in some part of the locality, separate from their grocer's shop.

3714. But if the business was only a small one, perhaps it would be too expensive to have two such establishments?—In that case, I hardly think they would require a grocer's licence. I may also remark, with regard to your question about drunk and incapables, one great drawback to the present system, of simply taking a pledge and allowing the party to go, is that the provisions of the law which provide for previous convictions are nullified by it, because the case of a pledge does not count as a previous conviction. There are many offences, not merely being drunk and incapable, but other offences, such as assaults arising from drunkenness, for which pledges are taken, and frequently these pledges are forfeited. A man may forfeit a pledge fifteen times over, and yet it does not count as a previous conviction.

3715. *Mr Campbell Swinton*.—But why do you carry on that practice? Why do you take a forfeit?—Simply because it is the practice.

3716. Are you not aware that the rule about taking

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an offender before a magistrate was specially introduced in order to put an end to that practice? When the Commission sat here in 1860, that practice as followed in Lanarkshire was brought before it, and was very much reprimanded, and accordingly the present rule about drunk and incapables was introduced, the object being specially that a man must be brought before a magistrate before being discharged?—I was not aware of that.

3717. *Sheriff Crichton*.—But the expense must have a great deal to do with the practice, I suppose?—I believe the expense has everything to do with it.

3718. *Mr Campbell Swinton*.—Still you are quite aware it is inconsistent with the law?—I think myself it is highly improper.

Bailie Hugh
Kennedy.

99. Bailie HUGH KENNEDY, examined.

3719. *The Chairman*.—You are one of the bailies of the burgh of Partick?—I am.

3720. Has Partick a licensing authority of its own?—It has not.

3721. It is a police burgh, and the county magistrates license it?—Yes.

3722. But the magistrates take cognisance of some publichouse offences, do they not?—Yes.

3723. Can you give us the number of licensed houses in the burgh?—Yes. We have no hotels. We have 36 publichouses and 20 licensed grocers.

3724. Has that number increased or diminished of late years?—It has increased, but I may mention that our population has also increased very largely. Our population at the present time is over 27,000. In 1871 we had 12 licensed grocers; in 1872, 16; in 1873, 18; in 1874, 18; in 1875, 19; and in 1876, 20.

3725. What was your population in 1871?—I think it was about 19,000. I am speaking from memory about that.

3726. Then the number of your licensed houses hardly exceeds one in 500?—It does not.

3727. I suppose you would not say that that was excessive?—Certainly not. I don't think it is more than what is necessary for the requirements of the locality, so far as I can judge.

3728. Can you say what the opinion of the magistrates is as to the advantages of grocers' licences?—I think the general opinion is that they are necessary; and I think the class of people who go there for their beer or their spirits would prefer very much to go to a grocer's shop than to a publichouse for them.

3729. That is to say, they would not like to go in at the door of a publichouse where people are drinking spirits over the counter?—Yes, that is what I mean.

3730. It has been suggested that that objection would not apply if either there were spirit-dealers selling spirits in the same way as grocers, not to be consumed on the premises, or if there were separate doors to publichouses for people who wished to buy liquor to take away. What do you think of that suggestion?—I believe there are some houses of the latter class in the city here; but where they have these separate doors, the separation, as a rule, is merely in appearance, because the counter generally is worked by the same individual inside. That, so far as my memory serves me, is the way in which it is done here. I don't think we have any houses of that kind in our burgh at all.

3731. Then such a separation would not meet the case of those people who dislike the publicity of the publichouse?—I don't think it.

3732. Is there any ground in your burgh for the allegation that women have been led to drink by the facility of getting spirits at the provision-dealers?—I have only heard of that from cases coming up in the justice of peace courts. I am not aware of it of my own knowledge.

3733. Were these cases of disputed accounts coming up in the justice of peace courts?—Yes.

3734. What was the ground of the dispute on these

occasions?—It was said by the people that part of the account was for drink.

3735. Have these cases been of frequent occurrence?—Not being a justice of the peace, I do not sit in that court. I have only observed these cases in the papers.

3736. Has it been a matter of dissatisfaction among the magistrates of your burgh that you have not got the licensing authority in your hands?—I think it would be an improvement if we had the licensing authority in our own hands, because many of the gentlemen who may come to inspect premises know very little about the requirements of the burgh, and very little about the people who are applying for the licences.

3737. They act upon information?—They act upon information generally.

3738. Has that in practice been found to lead to licences being improperly given or refused?—I am not sure that I could point to any licence that has been improperly given; but I think a local justice would know better both about the character and the requirements of a locality than a stranger would.

3739. But I suppose the burgh is represented upon the bench?—Yes. Our provost, by virtue of his office, is a justice of the peace; and if my memory serves me right, we have either five or six justices in the burgh altogether.

3740. So that the local influence is felt?—Yes, certainly it is; and they are consulted with reference to licences.

3741. Have there been many charges against licensed grocers in Partick?—None during my time of being a magistrate, and I think, so far as I know, only one before, and that a good many years back. I made inquiry at the captain yesterday, and I think he told me there had been only one conviction, and it was several years ago.

3742. So far as you know, are the licensed grocers' establishments in Partick regularly conducted?—They are very regularly conducted, so far as I know.

3743. And they have been kept down to safe limits?—Yes, I think so.

3744. Are there many grocers in a good way of business who do not hold licences?—I think all our best grocers, at least the most of them, are licensed, so far as my memory serves me.

3745. You mean licensed for spirits?—Yes.

3746. Do you think it would put a grocer in a position of inequality with regard to his ordinary trade if he had no licence and his neighbour had?—I think it would. I think where a man is doing a respectable family business, if the one has a licence and the other has not, it would certainly put him on a footing of inequality with his neighbour.

3747. Have the magistrates any decided opinion to offer upon the effect of the existing law or its amendment?—No; I don't think we have any suggestion to offer. The existing law works very well with us, so far as any cases have come before us. In fact, I may mention that the people who come before us on the bench are principally of the very lowest class, and are such I think as would be more apt to go to the publichouse for their liquor than to the grocer's shop. I am speaking of the general rule.

3748. Do you know if there are any of the grocers holding licences in Partick, who have their chief business in the sale of spirits, who would hardly be grocers if they had not the licence?—I am not aware of any of that class in Partick. They are all in a good way of business both as grocers and otherwise, so far as I remember. The only thing I would suggest in the way of amendment would be about the hours. I think it would be an improvement if these grocers' licences, when they were granted, were restricted to the hours of from 8 in the morning till 8 at night, and 10 on Saturday.

3749. Will you tell us why you suggest these hours?—Because it would prevent people from carrying away drink at a later hour.

3750. But then the publichouses would still be open later?—Yes; they are open till 11.

3751. Would you think it fair to oblige the grocers to close at 8 when the publichouses remained open till

11? Would that not divert a certain amount of trade from the grocers and send it to the publichouses?—It might.

3752. Are you aware that what you have suggested would be accepted by the grocers as a fair limit of hours?—I think it would be accepted by them.

3753. But you don't know?—No; I have no personal knowledge on the subject.

3754. May I ask, then, why you suggest those particular hours?—Because it would restrict them so far. Just now, when they are open till 11 o'clock on Saturday, it is a very unreasonable hour.

3755. Do you not think it is also a very unreasonable hour for publichouses?—Yes; but in the case of grocers the people have the opportunity of carrying drink away in bottles.

3756. They could carry it away from the publichouses in bottles too, could they not?—Yes, they could.

3757. *Mr Ferguson*.—As a rule, do the grocers in Partick keep open till 11 o'clock on Saturday night?—Yes.

3758. *Mr Campbell Swinton*.—Do the wants of the community require that they should be open till that hour for the sale of groceries?—I don't think it. I think the people could make their markets before 11 o'clock at night.

3759. *The Chairman*.—I want to ask you to say whether you have considered that point about which I have been asking you: the publichouses being open till 11. Do you think it would be fair to compel the grocers to close at 8, thereby losing the chance of competing in the trade during those hours?—It would enable them to get away from their business very much earlier and to get closed. I think 8 o'clock at night is quite a reasonable hour for any man in business to close his place.

3760. *Mr Ferguson*.—I suppose you would be glad to apply the same restriction to publichouses, and make them close at 10 too?—Yes.

3761. *The Chairman*.—I am asked to put this question to you: Are you aware that 7 o'clock is the hour at which the grocers in Patrick close at present, except on Saturdays, when they close at 11?—Yes. They close on Saturdays at 11 at present, and at 7 on other evenings.

3762. Do you think any of them keep open after 7?—There may be some. I am not quite sure about that; but I know there was an early closing movement, and they got the hour brought down to 7 o'clock.

3763. *Mr Campbell Swinton*.—That rather tends to show that your recommendation would be acceptable to them?—I think it would be acceptable to them, because when people are on duty from 8 in the morning till 7 or 8 at night, they should be very glad to get quit of their business by that time.

100. *Mr ALEXANDER M'CALL*, examined.

3764. *The Chairman*.—You are chief constable of Glasgow?—I am. I have been so for seven years, and my connection with the police force of Glasgow extends back for twenty-eight years altogether.

3765. You have given us, in your answers to our circulars, and the lord provost has also given us, the number of grocers' shops now licensed as 268?—Yes: 268 for 1876. Of course the present year is not yet complete; the October courts have not been held.

3766. Would you tell us the number of publichouses and other licensed houses in Glasgow?—For 1876 they were: hotels, 34; publichouses, 1546; grocers, 268: in all, 1848. The estimated population for 1876 was 545,000, giving a licence to each 295 of the population: a hotel for each 16,029; a publichouse for each 352, and a licensed grocer for each 2033 of the population.

3767. You have these numbers, I understand, for previous years. We won't take them for every year, but you give them to us for different periods.—I will give you the first year after the Forbes M'Kenzie Act really came into operation, that is 1855.

3768. Can you give us the year before that?—No. GLASGOW.
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The statistics for that year are by no means satisfactory, because the matter was in a kind of transition state at that time,—in fact the Act came into operation in May 1854; but the magistrates, so far as Glasgow was concerned, allowed matters for that year to stand very much as they had been previously, that is to say, they did not allocate the hotels and grocers and publichouses so minutely as has been done since.

3769. I am aware there was no distinction made, but could you give us the numbers as they stood without distinction previous to 1854?—Yea. I know the total number of licences granted for the year 1853, that is the year before the Forbes M'Kenzie Act: it was 2053. Then the first year after the Act came into operation, 1855, the numbers were: hotels, 52; publichouses, 1650; grocers, 185: in all, 1887. The estimated population then was 360,000. In 1861, when the first census after that took place, there were: hotels, 49; publichouses, 1525; grocers, 178: in all, 1752. The population then was 403,142. In 1871, at the date of the next census, there were: hotels, 38; publichouses, 1535; grocers, 246: in all 1819. The population then was 490,442. I have already given the numbers for 1876. In 1858 the gross rental of the licensed places in Glasgow was £66,205, being an average of £40 16s. for each house. In 1876 the gross rental was £159,047 10s., being an average of £86 for each house.

3770. Can you tell us the number of dealers in liquors not to be consumed on the premises who are not grocers?—I cannot do that for the year 1876, but I can do so for 1877. At the court of April 1877, the number of grocers' licences granted was 257. Of these 197 were for places where groceries and provisions were sold; 42 were for places where excisable liquors only were sold, both by wholesale and retail.

3771. That would include all the wine merchants?—Yes; wholesale dealers having a grocer's or retail licence; and 18 were for shops where excisable liquors only were sold by retail, making 257 in all.

3772. Have you any idea whether these shops for the retail of liquors would be of equal importance to the average of the grocers who have licences. Would they be people in a large way of business?—Yes, I should think so. There are only 3 grocers and 5 licensed publicans in Glasgow who live upon the premises.

3773. Does that mean that, except in these cases, there is no dwelling-house in the same block of buildings?—In the licensed premises; that is to say, they do not live in the place that is licensed.

3774. Might it not be that the ground floor was licensed for the sale of liquors, but that the licencees lived in rooms above with a separate entrance?—There may perhaps be a few cases of that kind, where they enter to their house from a different stair—an outside stair altogether—with no communication between the licensed place and the house which they occupy, but as a rule they live at a considerable distance.

3775. *Mr Campbell Swinton*.—Even the publicans do that?—Even the publicans do that. There are only five of them who live on the premises.

3776. Is that in consequence of any rules that the magistrates have established?—The magistrates for a good number of years have insisted that they should live away from their places of business. The fact that they lived on the premises was found to conduce to selling liquor on Sunday, and there was a temptation the publican was thrown into, which was not considered desirable either for himself or for the public.

3777. *The Chairman*.—Then they let the rooms above their shops to other people?—It may be quite a different occupancy altogether. I have here a return showing the number of convictions against grocers.

3778. Before you go to that, allow me to point out that there is a very remarkable disparity in the numbers of publichouses and of licensed grocers in Glasgow as compared with say Edinburgh. I will take it for the moment from the evidence of Mr M'Laren, where we brought out the contrast. Edinburgh has 870 licensed houses, of which only 342 are publichouses, the grocers being in a majority there. Glasgow, as you have said,

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GLASGOW. has 1848 licensed houses, of which only 268 are grocers. Now, can you account for that great disparity in numbers?—I have attended the licensing courts in Glasgow for nearly twenty years, bringing before the magistrates the applications of those applying for licences; and, so far as I could, I have always advised the magistrates to grant grocers' licences only to people who were *bona fide* grocers, that is to say, to people who were dealing extensively in grocery goods, except in the case of those wholesale dealers who take out this certificate for the purpose of enabling them to supply families with quantities under two gallons, and where, I may say, there is no bottle trade done. You will observe there are only 18 who are what might be called publichouses to be consumed off the premises.

3779. Retail spirit-dealers?—Yes.

3780. Would you tell us why you so advise the magistrates?—I think, and I have always thought, it was desirable as much as possible to give this dealer's or grocer's licence to a man who is really a grocer,—the kind of a man that the certificate indicated it was to be given to,—a man who was supplying families with groceries and supplies of that sort.

3781. You thought it was a more legitimate business?—Yes. I think that where people are merely wanting excisable liquors, it is as well that they should go to a publichouse or a publican direct as to go to a dealer who is selling nothing but excisable liquors.

3782. Then, would this number that are licensed in Glasgow represent something like the number of *bona fide* grocers who have applied for licences?—Every grocer who has applied for a licence has not received it. The magistrates keep that in their own control. They grant a licence where they think it is necessary for the public interest, and they refuse where they do not think it is required.

3783. But do you think that a good many grocers in a good way of business have been refused licences?—I have no doubt they have, and that on the ground that the licences were not needed in the locality.

3784. The point which I personally, and which I think the Commission want to get at, is whether there has been a preference given to one grocer over another,—not I mean from partiality, but in effect; or whether on the whole most grocers in a large way of business have licences?—I don't suppose there is anything like one-half of the grocers in Glasgow who have got licences. On the contrary, I believe there are far more grocers in Glasgow without the licence than there are with it.

3785. *Mr Campbell Swinton*.—Are there some very large grocers in Glasgow without licences?—There are some very extensive grocers who have got the licence.

3786. But are there very extensive grocers who have no licence?—Yes. The most extensive, perhaps, have not got a licence at all.

3787. *The Chairman*.—It appeared that in the city of Edinburgh there were not above three grocers in a large way of business who had not got a licence, and in their cases there was some particular reason why they should rather be without it; but as a rule nearly every grocer in a considerable way had it. The case seems to be very different in Glasgow?—Yes. Our most extensive grocers are the wholesale grocers, and none of them have the licence. None of them apply for it. Those who apply for it are extensive family grocers who sell by retail.

3788. But you think most of these have it?—No, I should not say the most of them. I think there are more of them without a licence at all than what there are with it.

3789. *Sheriff Crichton*.—Even of the family grocers?—Yes.

3790.—*The Chairman*.—But then many of these will not have applied for it?—Many of them have not applied, and perhaps they think it to be for their interest not to apply and not to have the licence.

3791. *Mr Campbell Swinton*.—Why should it be for their interest not to have it?—I could understand that one grocer might think it to be a benefit to him to have the licence, according to the kind of customers that frequent his shop, while another might think it would be

against the prosperity of his business to have a licence attached to it.

3792. *The Chairman*.—But you decidedly think it is an inexpedient thing that a man should have a grocer's licence to sell spirits when he is not really a grocer at all?—I think so. That is my opinion, and, so far as I have been able, I have advised the magistrates not to grant such licences.

3793. Do you think it is that rule that has kept down the number of grocers' licences so much?—I think so.

3794. *Mr Ferguson*.—Do you think it would be any great hardship to the public,—I am not speaking of the grocer now, but of the public,—if the trades were separated altogether and no grocers' licences were given to shops at all?—With the great majority of the grocers in Glasgow,—that is to say, of the class of grocers that we have got here,—I think it would be a hardship; because a family man can get the very best of liquors from his grocer along with his supply of groceries, and it saves him sending to the publichouse at all.

3795. But then you have just told us that a very large number of the best grocers do not have the licence. Where do their customers get their supplies of liquor?—They must just go to some other place for them.

3796. Could they not all go there as well?—I don't think it would be any great hardship to the public supposing the trades were separated.

3797. *The Chairman*.—I would ask you now about what you were referring to before, namely, the number of convictions?—I have here a return of the convictions for fifteen years, from 1863 to 1877 inclusive.

3798. We won't take it from you in full just now, because we mean to send you a table on that subject and ask you to fill it up, but perhaps you will state to us the tendency to increase or decrease, and give us the first, the middle, and the last?—In 1863 the number of parties summoned before the magistrates for contraventions was 10.

3799. Were those grocers?—Yes. Of these 6 were fined, in the case of 2 the charge was found not proven, and 2 were withdrawn by the prosecutor. In 1877 there have been no prosecutions as yet. In 1876 there were 2 summoned: 1 was fined and 1 was found not proven. Over the whole fifteen years there were 56 summoned: 35 were fined, 1 admonished, 15 were found not proven, and in 5 the charge was withdrawn.

3800. While there have been so very few parties summoned, have you had reason to believe that there were many evasions of the law going on?—I have not. I have only had one complaint of a private sort for the last seven years against a grocer in Glasgow, that he was allowing drinking on his premises, and that was made in the form of an anonymous letter. I made every inquiry to see whether there was any truth in that anonymous letter, and I could not find that it was true.

3801. Are there many persons holding grocers' licences in Glasgow who are in quite a small way of business?—No. The average rental of the grocers' shops in Glasgow at the present day is £86.

3802. *Mr Campbell Swinton*.—How low may the rental go down?—In 1876 there were only three of a rental of £10 and under £15.

3803. *The Chairman*.—The details of the rentals will also be included in the return we are to ask from you. Then I need hardly ask you whether, with the class of grocers you have here, the sale of liquors in open vessels is common?—It is not so very common. I have no doubt there are a number of open vessels sent to grocers' shops in Glasgow; but I should think that the most of that traffic for small quantities of liquor goes to the publichouse.

3804. The grocers are not in such a way of business that they would like that trade?—No. I don't think the majority of them would sell it in that way.

3805. *Mr Ferguson*.—I have been told to-day that in some of the very small places, the persons who hold licences sell only potatoes and things of that kind. Have you any knowledge of places of that kind?—I would not advise the magistrates to grant a licence to such a place.

3806. But I am told they have them here in Glasgow. —I don't think it is the case. There are 197 licensed persons selling groceries and provisions: it must be amongst that number of course, and if there is such a shop in Glasgow it must be a pretty old one. For a number of years I would say there has not been such a licence granted as a licence to a shop where a man is merely dealing in what you might say was the necessary food for the lower classes, such as flour, meal, potatoes, butter, and the like.

3807. There was one specified to me in the Great Western Road, in the neighbourhood of the Normal School, where there was a common potato store, and which had a licence for whisky, and it was stated to me that they were common.—They are not common. There may be some old house that has not changed occupancy for a great many years, and of course the magistrates don't care about interfering with it; but if a change was taking place, the matter would be considered, and I certainly would not advise the magistrates to give a licence to such a house.

3808. *The Chairman*.—Have you any opinion to offer as to any amendments that may be made upon the law?—I think that the hours during which a grocer should be entitled to sell excisable liquors, or to keep open his premises, should be the same as those for public-houses.

3809. Do you mean for any class of business at all?—Yes.

3810. *Sheriff Crichton*.—The hours in his certificate?—Yes. I think if he elects to take out a certificate, he should observe the hours of that both for his groceries and liquors.

3811. *The Chairman*.—Keeping open earlier or later than these hours is a temptation for many people to evasion?—I think it is; and it has a show of hardship, to the publican, that the grocer should be allowed to do so.

3812. I have been asked to put this question to you: Do you think it would be any advantage to public peace and sobriety to have the trades of grocer and spirit-dealer separated?—I don't see it for my part, as administered in Glasgow. I think it would be advisable that a grocer should not be entitled to sell less than perhaps one pint, and that in a bottle corked.

3813. *Mr Campbell Swinton*.—Would you not come lower down than a pint?—No, not less than a pint.

3814. *The Chairman*.—We have heard a great deal from grocers of the large trade they do in smaller quantities, not in Glasgow, but elsewhere.—I don't think it is desirable to encourage supplies of that kind, along with groceries and food.

3815. In fact, you think it is just 'dramming'?—I am afraid it might be abused in that way. Besides young people are necessarily sent by their parents to grocers' shops, and in the conveyance of what their parents may send them for, they may begin to drink it themselves.

3816. *Mr Campbell Swinton*.—That is an argument for having the vessel corked?—Yes.

3817. Would you insist on having it sealed, as has sometimes been suggested?—I don't know if that would be of much importance.

3818. Because 'corked' is a very wide word. It might be very difficult to provide legislation for that?—By corked, I mean that it would require a screw to pull it.

3819. Has it ever been suggested to you that it would be an improvement if grocers were not allowed to keep their casks in the shop,—in short, to keep nothing for sale in the shop except sealed bottles; that they should be obliged to keep the casks in the cellars or elsewhere, and not in the licensed premises?—No. I have never heard that mentioned here. I have seen the suggestion in the evidence that was given in Edinburgh.

3820. But you have never applied your mind to whether it would be an improvement or not?—No; but I don't see that it would be of much consequence. As a rule, in the grocers' shops that are licensed in Glasgow, there is no room in the shops for liquors. The liquors are generally in some back place, the front shop being generally taken up with canisters and groceries.

3821. *The Chairman*.—What is said on that subject is that if the cask is on tap in the shop, and the bottles are filled there when they are wanted, it is very easy to give a glass to a person on the spot?—It would no doubt be quite easy to give them a glass, but if the grocer was liable to be fined for doing so, and perhaps ran the risk of losing his licence, it would make him very careful.

3822. But he is so liable now?—Yes.

3823. And it is said that, notwithstanding that, liquor is very extensively given and tossed off on the spot?—I don't think that is the case in Glasgow.

3824. *Mr Campbell Swinton*.—Then probably you do not think that in Glasgow you require any more strict police supervision of grocers' shops?—The power of the police to enter a grocer's shop is limited compared with the power to enter a hotel or a public-house, and I don't know if it would do any harm to assimilate the power to the grocer's shop, although, with the respectable extensive grocers that we have, unless the officer in charge of the police were supervising the visitations of the men very closely, it might come to be rather a hardship to the grocer to have a policeman coming into his shop at any time he might think fit.

3825. But the police have that power with regard to large hotels, such as the one we are in, and yet I suppose it is not oppressively exercised?—In reality it is not exercised so far as the constable is concerned. It is generally some superior officer who enters a hotel to attend to duties of that sort.

3826. *Mr M'Lagan*.—And he only enters a hotel when he believes there is something wrong?—Yes.

3827. But he has the power to do that in a grocer's shop now?—Yes.

3828. Do they ever do it?—I don't know that the constables, unless they are specially sent, do that in Glasgow. I am not aware of it.

3829. *Sheriff Crichton*.—With regard to the treating of the police, is there such a thing known in Glasgow?—I have no doubt that in a force such as that under my charge, numbering about 1050, there are during the course of the year some of the men treated, not only by publicans, but by private individuals.

3830. Do you think it is done by grocers?—I don't know of it being done by grocers any more than by any private individual in the city.

3831. Has any case of that kind ever come under your observation?—No; but I have every year a certain number of men dismissed for being drunk on duty, and they must have got the drink somewhere.

3832. But has any case come under your observation of constables having been treated by grocers?—No.

3833. Then there is another thing that I asked the last witness about,—the reporting of premises from which persons come in a state of intoxication. Is that done in Glasgow?—I have been doing that for several years in Glasgow.

3834. That is regularly attended to?—It is. Every Monday morning there are reports sent in to me, and these go into the hands of the procurator-fiscal. In 1876 there were 1350 such reports made against publicans, 4 against hotels, and 1 against grocers; but out of these 1350, only 174 notices were sent by the procurator-fiscal to the parties, because if it is only one report in a week, there is no notice sent to the publican at all, as that is not frequent. The words of the Act are 'seen frequently to issue.' The procurator-fiscal and myself, when we took up the working of that clause, had a meeting, and we decided that we would require to have at least two reports in one week before the case could come under the category of being 'frequent.'

3835. With regard to the 'drunk and incapable,' you have no difficulty in Glasgow in carrying out that clause?—None.

3836. Who prosecutes there?—The procurator-fiscal, but most of the divisional superintendents are procurators-fiscal as well in their divisional courts.

3837. And the drunk and incapable persons are brought under their notice by the constable?—Yes.

3838. *Mr Campbell Swinton*.—The persons so sentenced for being drunk and incapable are not

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Alex. M'Call

GLASGOW. dismissed without being brought before a magistrate?—
 — No. Previous to the latter end of 1874, the officer on
 Alex. McCall. duty in the police offices in Glasgow used to exercise a
 good deal of discretionary power in that respect; but
 the end of 1874 that was stopped, and every person who
 is taken into custody is now brought before a magistrate
 in some shape or form.

3839. *The Chairman.*—I am asked to put to you this
 question: Are not a great many of the drunk and
 incapables the same persons who are brought up
 repeatedly?—Yes. I daresay there are some persons
 who will be perhaps fifty times in the police office in
 the course of a year.

3840. *Mr Ferguson.*—Do you keep a distinct record
 of that kind to tell how many persons, as well as cases,
 have been brought up?—Yes, to some extent we do;
 but there are about a dozen different police offices, and
 a man brought into the Central Police Office may
 perhaps have been frequently in some district court,
 and is not known to the men in the Central. A good
 many of them, I suppose, escape in that way frequently,
 but there are some well-known characters who frequent
 the same place, and are always taken to the same police
 office.

3841. *The Chairman.*—It is also suggested that it
 might encourage drinking to a greater extent at home if
 a working man's family could only obtain whisky in
 quantities of not less than one pint from a grocer, and
 that such a restriction might force such families to
 publichouses for their smaller supplies, and thus the
 system might be more objectionable than the present
 system of sending to a grocer. Have you anything to
 say as to that?—I would rather choose the evil of letting
 them go to the publichouse for under a pint than mix
 up the open vessel, containing under one pint of spirits,
 with the purchase of groceries and food.

3842. Of course it is said that you might have
 bottles for even half a gill or a gill?—I don't know that
 that would be a good combination. If a person has to
 resort to half a gill of whisky, I think it would be
 better for him to spend the money in groceries.

3843. *Mr M'Lagan.*—But don't they often go for
 half a gill of brandy for medicine?—That may
 occasionally happen, but I think it is very seldom that
 it is taken as a medicine compared with the times when
 it is used for other reasons.

101. MR ALEXANDER DAVIDSON, examined.

Alex. Davidson. 3844. *The Chairman.*—You are chief constable of
 Kirkcudbrightshire?—I am.

3845. How long have you been chief constable?—For
 eleven years.

3846. What is the population of the county?—
 41,859.

3847. Are there any burghs in it that have a separate
 police?—Only Maxwelltown.

3848. It is a small place?—Yes. The population
 is a little more than 4000.

3849. I observe you have 31 licensed grocers in the
 county?—Yes.

3850. And how many publichouses?—There are 37
 publichouses and 43 hotels; in all, 111 licensed places.
 That is, including the royal burghs.

3851. Has that number increased or has it remained
 about an average?—In the year 1850 the justices of the
 peace made regulations to reduce the number of licensed
 premises.

3852. What was the number then?—155 of all kinds.
 There were no licensed grocers then.

3853. And has the reduction been continuous since
 then?—In 1866 the licences in the county were reduced
 to 94. I may mention that in 1850, when the justices
 made the regulations, there were only 135 licensed
 places in the county, but there were 20 licences in the
 royal burghs where the justices had no power to grant
 certificates. These burghs were Kirkcudbright and
 New Galloway. Now there are 93 exclusive of the
 royal burghs, being 36 inns, 33 publichouses, and 24
 licensed grocers.

3854. Are the justices continuing to reduce the
 number?—They have only been reduced one since
 1866. The numbers in the county, exclusive of the
 royal burghs, were, in 1866: 38 inns, 36 publichouses,
 and 20 licensed grocers; in all, 94.

3855. Can you tell us whether many grocers' licences
 are applied for, but refused?—Not very many are
 applied for; they are generally refused.

3856. The justices do not give a licence to any
 respectable grocer who asks for it?—No; they keep
 to about the number they fixed in 1850, and these
 regulations are often yet referred to. They are very
 minute, and of great length.

3857. Do the justices consider that the system of the
 sale of spirits by grocers is a beneficial one or otherwise?
 Do they consider that it is more or less beneficial
 than the sale of spirits in the publichouses?—I cannot
 say what the justices think.

3858. What do you think about it?—I think myself
 that I would separate the trade. I would make spirit-
 merchants and grocers.

3859. You think there is trade for both?—I think
 there is trade for a limited number of spirit-merchants,
 probably one in every village where there would be
 between 2000 and 5000 of a population, and probably
 between 5000 and 8000 two, or such as that.

3860. Have you had many cases of breach of the law
 by grocers?—Not many; only three during the last five
 years.

3861. Have you any idea that there are evasions
 commonly taking place?—There are evasions, I believe,
 but not to any great extent.

3862. You say that you think there is room for the
 two kinds of trade,—the sale not to be consumed on
 the premises, and the publichouse business; but you
 have, I think, expressed an opinion that spirits should
 not be sold on the same premises as articles for domestic
 consumption?—Yes; that is my opinion.

3863. Why do you think that that ought not to be
 the case?—I think that often persons go to a licensed
 grocer and get spirits when they would not go to a pub-
 lighthouse; and I don't think it would cause any incon-
 venience to separate the trade.

3864. You mean that you think it encourages people
 to get spirits who would not get them otherwise?—Yes,
 who would not condescend to go into a publichouse to
 get them.

3865. *Mr Ferguson.*—Have you observed the effect of
 that in any way in demoralising the people,—working-
 men's wives and messengers sent for spirits to grocers,
 and so on?—No; I cannot say that I have.

3866. *The Chairman.*—I want to get at the reason
 for your opinion, which is very distinct, that spirits
 should not be sold in the same premises nor by the same
 person as articles for domestic consumption, but that
 spirit shops should retail nothing but excisable liquors,
 and that spirits should not be sold in less quantities than
 a quart bottle corked and sealed? You think it a bad
 system that the provisions and the drink should be sold
 in the same place?—I think it is a bad practice.

3867. Is there any spirit hawking by grocers' carts
 in the stewartry?—I don't think there is any. There
 are a few carts, but I have never heard of any hawking
 by them, and I think if there had been any I would
 have heard of it.

3868. I see you think that all licensed premises
 should be closed on hiring fair days?—I do.

3869. That is a day on which there is a great demand
 for them, is it not?—There is no doubt it is.

3870. Suppose you were to close the licensed premises
 on that day, would it not lead to illicit trade? Would
 not people buy so much beforehand and make an illegal
 trade of it?—I don't think it. The people come in
 principally from the country, and I think there would
 likely not be much drinking.

3871. *Mr Campbell Swinton.*—But if those hiring
 markets are to exist, and people come from a great dis-
 tance to them, have they not legitimate occasion to have
 some houses of refreshment open?—I would give them
 plenty of refreshment, but no liquors.

3872. Would you make the licensed dealer on that

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day alone put all his spirits out of the way?—I would make the hiring day the same as a Sunday with all licensed premises so far as the selling of exciseable liquors are concerned.

3873. But on a Sunday they cannot get refreshments either?—I would let them have refreshments, but not spirits. I would merely restrict them from selling exciseable liquors on the hiring fair day.

3874. *Sheriff Crichton*.—I see that the justices of the stewartry so far back as 1850 had come to a resolution that no grocer was to sell less than a quart in a bottle corked and sealed?—So the regulations say.

3875. Has that been carried out?—It has not.

3876. Why not?—The law has changed considerably since that regulation was made, and they had not the power to carry it out under the other Acts.

3877. *Mr Ferguson*.—Is there much drunkenness in the country places in Kirkcudbrightshire?—Not a great amount of it.

3878. *The Chairman*.—I am asked to put this question to you: Whether the separation of the grocery and spirit trades would not extinguish a number of small licensed grocers at present managing to do a fair business in country towns and villages?—I would not extinguish any of them until they would die out. I would not put away any person who has a licence at present; I would continue it until the premises were to change their occupancy, and I would take away a certificate if there was one conviction.

3879. *Sheriff Crichton*.—In your county how do you do with the drunk and incapables? Are they all brought before a magistrate?—In the police burghs we have no difficulty about that, but in the country we just put them away.

3880. They are not brought before a magistrate?—No.

3881. *Mr Campbell Swinton*.—How do you get the 5s. out of them?—We only get it in the police burghs. We do not take anything from them in the country.

3882. *Sheriff Crichton*.—Why is that not done in the country?—The expense of bringing a person from remote parts of the county to Kirkcudbright, for being drunk and incapable would be very great.

3883. When all you can recover is 5s?—Yes, but it is not only the recovering of the money that is the difficulty, but you can only give 24 hours imprisonment, and that is exceedingly small. It would cost about £3 to £4 to bring them from many places; and we do not bring them before the magistrates in the district; we think it is not legal.

3884. *Mr Campbell Swinton*.—I think they might be brought before one magistrate?—Yes, but you cannot do it without the fiscal and the clerk and a regular written complaint. You cannot do it in a summary manner. In sending a person to prison for a criminal offence, you must have a properly constituted court and a written complaint, and that is the reason why we don't do it.

102. Mr JOHN MALCOLM, examined.

3885. *The Chairman*.—You are superintendent of police in the town of Dumfries?—I am.

3886. How long have you been superintendent?—For eleven years past.

3887. Will you tell us the present number of public-houses in the town of Dumfries?—There are 98 licences altogether, of which there are 20 hotels, 56 publichouses, and 21 grocers. That was at the licensing court of April last.

3888. Is that for the town of Dumfries or for the county?—For the town of Dumfries.

3889. What is the population of the town?—The population of the royal burgh of Dumfries is about 15,000.

3890. So that you have got nearly one house to every 150 souls?—That is so.

3891. Has that number been increased or diminished of late years?—It has been diminished. In 1866 there were 117 licences granted.

3892. What was it in say 1861 or any previous year?—1866 is the earliest year that I have here.

3893. But you think the number has been in course of reduction?—Yes. It was 117 in 1866, and it ranges from that down to 105, 99, 104, 103, and so on. There has been very little difference from 1866, with the exception of the reduction of 17 over the whole.

3894. Are the magistrates trying to reduce the number?—They did so.

3895. When you say they did so, do you mean they are not trying to do so now?—At the last licensing court they granted two new licences.

3896. Have these been confirmed by the county committee?—Not yet.

3897. Do the magistrates make any particular conditions in granting a licence?—There have never been any special regulations made by the magistrates since I went to Dumfries.

3898. Do they inspect the houses themselves?—With regard to new premises they must do so.

3899. But they personally inspect them?—Yes. There has to be a certificate of suitability before a new licence can be granted.

3900. As to the grocers, have most of the principal grocers in Dumfries got licences?—No. There are very extensive grocers in Dumfries who are unlicensed.

3901. Have these grocers applied for licences or not?—I think there is only one respectable grocer who applied for a licence since I went to Dumfries, and who was refused.

3902. *Sheriff Crichton*.—Can you tell us the comparative numbers of licensed and unlicensed grocers?—The number of grocers and provision-dealers who have licences is 21. The number of grocers of all kinds, including small shops of every kind, would be perhaps 125, or from that to 130. These are the grocers who have no licences, but they include green grocers and others.

3903. *The Chairman*.—But there are grocers in a considerable way of business who have no licences?—Yes.

3904. And who have not asked for them?—Yes.

3905. Are the licences granted on any distinct principle, that there should be only a particular number for each street, or is there no regular principle for that?—There is no regular principle.

3906. So that there may be streets with a great many in them?—There are some streets where there is a publichouse at almost every door, while there are other streets where there are very few.

3907. Has the drunkenness of the town, so far as known to the police, increased or diminished?—From the annual returns of crime, it would appear that there were 41 cases of drunk and incapable in 1866; and I find that in 1876 there were 125. The numbers vary between these two periods, but these are the two extremes.

3908. Can you give us for the same years the number of people who were drunk when arrested?—I have not got them here; but I can give the numbers who were drunk in the year 1876. There were 447 males and 133 females.

3909. Would many of these people be arrested more than once?—Yes. Some of these people would represent perhaps twenty apprehensions for one individual.

3910. Is it your opinion that a great number of licensed houses increases the drunkenness?—Yes.

3911. You think that the amount of drunkenness is increased by a great number of houses?—I am quite sure of it, because the supply creates the demand.

3912. Are many of these licensed grocers in a small way of business?—They may be divided into four different classes: there are 3 brewers who hold grocers certificates; there are 9 grocers proper; 6 grocers and provision-dealers; and 3 wine and spirit merchants.

3913. *Mr Ferguson*.—Are there many of these smaller grocers that look to their spirit trade chiefly for their subsistence rather than to their groceries?—In the case of the provision-dealers I believe some of them do that.

3914. *The Chairman*.—Still the hotels and public-

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houses are in a great majority in Dumfries?—Yes. They are out of all proportion to the wants of the community, and as compared with other towns of similar size throughout Scotland.

3915. Do you think that the licensed grocers are in excess?—No, I do not.

3916. *Mr Campbell Swinton*.—Has that excess of publichouses in Dumfries arisen from the magistrates not having thought it necessary or taken steps to reduce them?—I could scarcely give you a proper explanation as to that, for when I went to Dumfries in 1866 there were 117 licences, and now the number is down to 98.

3917. You have reduced them to a certain extent, but still they are too numerous?—They are far too numerous.

3918. *Mr Ferguson*.—What sort of a business do these hotels in Dumfries do?—There are 20 hotels there, which is only 14 fewer than there are in Glasgow. Of course there are a number of them holding a hotel licence which ought to be publichouses.

3919. *The Chairman*.—I suppose a large number of people come into Dumfries from the country and use these houses?—Yes.

3920. So that you have a necessity for these houses more than your own population would warrant?—Of course it is a central locality, and many people do come in from the country; but a number of these hotels ought only to hold publichouse certificates. The market people, for instance, would receive the same accommodation if they were publichouses instead of hotels. They have no sleeping accommodation such as commercial travellers require. There are only three hotels proper for commercial travellers in Dumfries.

3921. *Mr Campbell Swinton*.—You think the others are publichouses?—Yes.

3922. But they prefer a hotel certificate, because it gives them greater liberties?—Just so.

3923. *The Chairman*.—Is there anything in the way of conducting business in the grocers' shops which you think is objectionable?—There is not much to find fault with in Dumfries with regard to the grocers. The grocers proper are a highly respectable class of people. There are nine of them, all very respectable, extensive houses. The provision-dealers, generally have not a large business; and it would be advisable to deprive some of these small houses of the licence for the sale of excisable liquors altogether. I don't think the holding of the licence by these small grocers and provision-dealers improves the morals of the people.

3924. What is a provision-dealer as distinguished from a grocer?—A provision-dealer is one who sells meal and bread and bacon and articles of that kind; while the grocer is confined to tea, coffee, spices, and general groceries.

3925. *Mr Campbell Swinton*.—But a provision-dealer has a grocer's licence?—Yes; the licence is quite the same.

3926. *The Chairman*.—Is the practice of selling spirits in grocers' shops in open vessels followed in Dumfries?—Yes; it is very fashionable in Dumfries to carry drink both out of grocers' shops and publichouses in open vessels. Ale is the favourite beverage there, more than whisky, and of course it is common to see little children running with jugs of ale.

3927. *Mr Campbell Swinton*.—Do you mean that in Dumfries generally ale is more commonly used than whisky?—Yes, I understand so.

3928. *The Chairman*.—But you would not have the same objection to seeing ale or beer carried away in an open vessel that you would with regard to spirits? There is no harm in carrying beer away in a jug?—It is certainly not so detrimental as whisky.

3929. In what way would you like to see the law altered?—I would very much like to see the law altered with regard to the facilities for young people getting drink both at publichouses and grocers', and the age extended to sixteen, the same as in England.

3930. You mean in the capacity of messengers?—Yes, and also apprentice lads from 14 to 17 years of age. They ought not, in my opinion, to be allowed to sit and drink in publichouses. I am convinced that this is the greatest defect in the Act of Parliament. It would also mitigate the evils of intemperance if the

party found on licensed premises within prohibited hours were punished the same as the publican.

3931. What would be the restriction you would put on that?—I would make it punishable for their parents to send them, and for the publicans to supply them.

3932. Even in sealed bottles?—Yes, even in sealed bottles.

3933. Do you think it does them any harm to bring a sealed bottle from the grocer's?—Yes. I think that bringing home a sealed bottle is even worse than bringing home a small quantity in an open vessel. A child may be sent by a drunken parent to bring home a quantity in a sealed bottle when it is not required, and it is very demoralising for a child to see drunkenness going on in the house where such a thing should not take place.

3934. But then the child would see drunkenness going on in the house whether it was sent to fetch the spirits or not?—The parents might not be able to get the spirits unless the child was there to go for them; and when children are prevented from transacting business in a pawnbroker's before they are 12 years of age, additional protection should be afforded them in regard to the liquor traffic.

3935. Is there any other suggestion you would make?—I think that it would also be a great improvement if the licensing were in the hands of the sheriff.

3936. You think that would make it more uniform?—Yes.

3937. Would it not be equally satisfactory if there was a small fixed committee the same as the appeal committee? The sheriff would not have so much knowledge of the locality, would he?—Sometimes the magistrates have too much knowledge. If the committee were not depending upon an annual election I could understand they would do better.

3938. *Sheriff Crichton*.—What do you mean by the magistrates having too much knowledge?—Influence is sometimes brought to bear that ought not to be.

3939. *Mr Campbell Swinton*.—Do you mean in municipal elections?—Yes.

3940. *The Chairman*.—You think that the election of a burgh magistrate to a licensing committee would need to be for the whole term of his office, and not annual?—Yes.

3941. *Sheriff Crichton*.—Is there any hawking of spirits by the grocers in Dumfriesshire?—No, not by the grocers in the burgh.

3942. *Mr Ferguson*.—They do not send out vans to the country?—No; they do not send out vans from the town to the country.

3943. *Mr Campbell Swinton*.—Then how are their customers in the country supplied, for example?—There is a market day, when people come into the town; and there are a great number of carriers who come from different parts of the country. Of course I do not know how the grocers send out their goods, but there are no vans.

3944. *The Chairman*.—The carriers may take them away?—They may.

103. Provost DAVID MURRAY, Paisley, } examined.
104. Provost JAMES ROBERTSON, Maryhill, }

3945. *The Chairman*.—Provost Robertson, as we will have the figures for your burgh in detail, we propose that you should hear the evidence of the Provost of Paisley, and then state whether you concur in it in any or all points, or say anything afterwards in which you differ from him. (*To Provost Murray*).—You sent us a return of the present number of licences, and the numbers at two former periods, 1854 and 1866. Perhaps you would read those for the information of the Commission?—*Provost Murray*.—The numbers were—

In 1854—Grocers, . . .	58
Hotels, . . .	5
Publichouses, . . .	164
Ale and Porter, . . .	4
In all, . . .	231

In 1866—Grocers, . . .	39
Hotels, . . .	7
Publichouses, . . .	176
Ale and Porter, . . .	1

In all, . . . 223

In 1871—Grocers, . . .	44
Hotels, . . .	7
Publichouses, . . .	176
Ale and Porter, . . .	3

In all, . . . 230

In 1877—Grocers, . . .	41
Hotels, . . .	6
Publichouses, . . .	174
Ale and Porter, . . .	4

In all, . . . 225

3946. Do you know if these numbers in 1854 were before or after the Forbes M'Kenzie Act came into force?—After. We took that as the first year in our experience under what is known as the Forbes M'Kenzie Act.

3947. Do you think the numbers had been decreased from what they were before then?—No. I think they were very much the same as before.

3948. Then, as to population, how has it increased within the last twenty-three or twenty-four years, or say from 1851 to 1861, and 1871?—There was not much increase up till 1871. The increase has been principally since then, but I have had an estimate made up by the surveyor of taxes, who has just finished his survey, and I agree with him in making our population in 1877 as close as may be on 51,000. We take that from the number of inhabited houses. Taking the proportion of population during the two previous decennial periods, and the number of the population to each inhabited house, and applying the same rule to the number of inhabited houses now, it should give us 50,865.

3949. *Mr Ferguson*.—What was it in 1871?—It was 48,240; in 1861 it was 47,406; in 1851 47,952.

3950. *The Chairman*.—Then you have about one licensed house to every 200 of the population?—Taking all kinds of licences there is one to every 226 just now. We have one hotel licence for every 8423 of the population, and one publichouse licence for every 290, and one grocer for every 1240.

3951. Is it your opinion that the number is not in excess of the wants of the town?—That is a question which it is very difficult to answer. I don't think the number of publichouses has so much to do with the drinking as is generally supposed. The fact is, my experience is this, that by the difficulties we have thrown in the way of granting new licences,—there having been an almost total refusal for some years,—we have been creating a monopoly of the very worst kind. It is the case now that when a licensed house comes to be disposed of, there are large sums paid, from £100 to £400 or £500, for what is called the good-will of the business, but which simply means the facility for getting a licensed house. If it is necessary for the public interest, and I think it is, that the publichouses should be restricted, and if it is necessary that a monopoly should be created for that purpose, the produce of that monopoly should go to the public, and not go to create a property of the kind I have described.

3952. Have these restrictions by the magistrates been applied to grocers equally with publichouses?—I think equally,—very much the same. There has been a disinclination for many years to increase the number of houses, and that applies perhaps a little more strongly to grocers, but I would not put much stress upon that. I think the disinclination has been to extend the number of licences at all.

3953. Can you say that many licences have been refused to grocers?—A good many.

3954. And are these many grocers in a considerable

way of business who do not hold licences?—A good many. I think a good number of our largest grocers have no licence, and have never applied for one.

3955. *Mr Campbell Swinton*.—Even family grocers?—Yes.

3956. *The Chairman*.—Should you not think that a grocer found it to be to his advantage in the ordinary way of his business that he should have a licence?—I have no doubt that many of the smaller grocers could scarcely exist without the licence they have for dealing in spirits. Indeed, I have often heard it pled by parties asking for a grocer's licence, that the shop would not do without it.

3957. Then, in fact, the resolution of the magistrates on certain grounds not to grant new licences gives a monopoly to one set of houses at the expense of another?—It creates a monopoly in favour of those who have got these licences.

3958. And so the magistrates have to choose between giving an advantage to one house over another, and giving more licences than they think right?—Precisely; and therefore my opinion is, that if any change in the law takes place, the legislature should relieve the magistrates of the disagreeable duty of making such an invidious distinction as this, and laying themselves open to the charge of favouritism, which must inevitably come. If they grant new licences at all, there is favouritism in giving them to one and not giving them to all who are in similar circumstances; but if the legislature were to fix the number of publichouses to the population, and let them be sold to the highest bidder, to be conducted under strict surveillance and such regulations as would ensure the trade being well conducted, it would be a great improvement.

3959. Do you think the number of houses holding grocers' licences would be much reduced if they were not allowed to sell groceries in the same place as the liquors? I mean, do you think that the number of competitors in this mixed trade would be reduced if the two trades were separated, and provisions and liquors were not allowed to be sold in the same shop?—I have not a very strong opinion on that subject, because I think that people when they are wanting to get drink will find it. If they don't get it in the grocer's, they will get it in the publichouse. At the same time, my principal objection to the grocer's licence is that it does afford facilities for women getting drink under the name of something else; but I must say also, that I have not in my experience found many cases of that kind that have been brought home. In the course of upwards of thirty-five years' experience now as a justice of the peace, I cannot say that I have had in that time above half a dozen cases where objections have been regularly brought to an account on the ground that drink was charged under the name of groceries.

3960. It is more a common rumour, is it, than an ascertained fact?—It is more a common rumour, but it is one of those things that can be easily evaded, and I suspect when that is done now, if it is done to any extent, it is done by lending the money to the party who wishes to buy the spirits.

3961. Do you know in Paisley of much money-lending on a small scale to the working-classes?—I believe there is a good deal of that. Occasionally in the J.P. court we have prosecutions for small sums lent. Perhaps two workers go away together, and they become security for each other, and they get an advance of £1 or £2, or sometimes a little more according to their credit, and it is charged at an enormous rate of interest. I think, if I recollect right, it is something like 18s. they get for £1, and then they commence to pay the debt off gradually.

3962. But I did not quite make plain the question I wished to ask you just now. Seeing that you looked upon the present system as establishing a monopoly, and that the number of grocers was greater than could hold their own if it was not for the spirit licences, supposing the spirit licence was separated from the grocery or provision trade, and the sale of liquor not to be consumed on the premises was made a trade by

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itself, do you think then that the trade would right itself, and the number of houses be lessened?—I think it would, to some extent, be lessened.

D. Murray;
J. Robertson

3963. But should you think that a better system in any way than the present?—Upon the whole I would, although I have not a very strong opinion on it.

3964. I suppose many of the grocers conduct their business in a highly respectable manner?—Oh, yes.

3965. And only for the convenience of their customers?—Yes.

3966. Is there any other way in which you would wish to see the law improved that regulates grocers' licences?—If there is anything to be done at all, I should prefer to see it provided that the liquor should be supplied in sealed bottles, although, as I have said before, I have not much faith in any of these restrictive measures. The fact is, that until we change the habits of the people, I don't think there will be any very great improvement made. There is no doubt that the drinking customs of the country are the greatest blot upon it, and the most hopeless impediment in the way of elevating the condition of the working classes; but I don't think there is so much to be done in the way of restrictions upon the trade as by giving the people better tastes, and establishing something in the way of houses of a description where working men would get their newspapers, and meat, and coffee, and a comfortable place to sit in. That, I think, would be a step in the right direction, and would remove one of the great causes of intemperance, which in all our large towns arises from over-crowding, and the want of anything like a home for these people. How can we expect anything better from a working man, who, after his day's toil, goes into a small apartment and sleeps perhaps one-third of his time in an over-crowded place, and gets out in the morning, after breathing a vitiated atmosphere, enfeebled and with a craving for a stimulant. There is no home at night in a place of that kind, but he must go somewhere; and I think the substitution of what have been called workmen's publichouses,—that is publichouses where a newspaper and a comfortable room can be got,—will do more than anything in the way of restriction. *Provost Robertson.*—I quite concur with what my friend says about that. *Provost Murray.*—I would further say that one of the most difficult social problems of our time is connected with that matter of house accommodation for working men. Partly from their own efforts to raise their wages by combination, and partly from other causes, the cost of building has so much increased that the rents of houses must necessarily rise, and that operates to induce people being more closely packed together, and being over-crowded. *Provost Robertson.*—That is quite true.

3967. Have you any reason to think that some of the grocers' shops sell liquors early in the morning before the publichouses are open?—I have heard that; and I had occasion, with a view probably to being called upon here, to go within the last two weeks to investigate an alleged case of that kind, and it turned out to be groundless.

3968. You have no reason to think that practice exists to any extent?—No, I have not. I don't see any reason why there should be any different law applied to grocers when they have got a licence to sell than to an ordinary publichouse; but, practically speaking, all our principal grocers do not keep their places open to a late hour. They generally close at seven or eight o'clock.

3969. Would you say that if a grocer has a licence he should not be allowed to open his shop at all before the publichouse hours?—I think he should not be allowed to sell at all events.

3970. But it is impossible always to prevent a man from selling if his shop is open?—That is just one of the reasons why, if I have a preference, I would prefer the trade to be entirely separate. There is a temptation to do that, and there is an opportunity to do it.

3971. *Mr Campbell Swinton.*—But that opportunity would be equally taken away by not allowing him to open before the hour at which the publichouses open?

—Yes, but that might cause a little hardship again in the way of people getting groceries.

3972. People don't require groceries before eight in the morning, do they?—There are many of our people who live almost from hand to mouth, and buy almost every meal what they actually require. It certainly would be better if it were otherwise, but that is the case.

3973. *The Chairman.*—Is there anything else you would like to say with reference to this subject?—It has occurred to me, from hearing some of the former evidence, that I might mention that for several years we have been insisting on spirit-dealers living off the premises, and on their dwelling-houses and their places of business being entirely separate, and if possible not in the same tenement at all.

3974. *Mr Campbell Swinton.*—Are they all so, in point of fact?—In point of fact, they are not all so, because we have had some difficulty with old houses, but all the licences which have been granted or transferred within the last four or five years have been given on these conditions, and we are gradually getting the old ones put upon that footing.

3975. Do your views apply to publichouses as well as to grocers?—They apply to publichouses and grocers as well.

3976. As you consider that to be a matter of importance, would you have any objections to it being made a legislative rule?—Not the least. I think that almost all the cases we find of Sunday selling and infringements of the Forbes M'Kenzie Act arise in houses where the dwelling houses and shops are connected.

3977. *Mr Ferguson.*—Are there many of your small grocers who seem to subsist by the sale of spirits only?—I think a number of them do. The spirit trade is the best part of their business; but we have only some 41 out of the whole number that are grocers.

3978. *The Chairman.*—With regard to those shops which you think would not exist unless they were licensed, are they shops of a very low rental?—Yes; they are rather of that class.

3979. (*To Provost Robertson.*)—I understand you are one of the police magistrates of Maryhill?—*Provost Robertson.*—Yes, I am provost.

3980. It is not a burgh for licensing purposes?—No.

3981. As regards the general view of the question, to you concur with the provost of Paisley?—Yes; but I do not approve of what he said about the bottles. I think it would do a great deal of harm in many cases if they were giving it out in bottles. It would be encouraging drinking in private houses if the people could only get a pint bottle to be taken home, because a number of women might gather together to drink it; whereas many houses require a little for medicine.

3982. And I suppose even more find a necessity for a small quantity for a dram than for medicine?—Sometimes that is the case, but I know a great many who take it the other way.

3983. But you would think it a good thing to keep it as it is?—We do not find any fault with the way in which the thing is worked in the meantime. I may say that in Maryhill we have 16,000 of a population. We have 17 publichouses, and 8 of these have been in existence for the last 20 years. There are 8 grocers' licences, and 5 of these have been in existence for the last 20 years. The total number of licensed houses is 25, and during the 20 years we have had only one grocer convicted, and no publican.

3984. Then you have got about six houses to 1000 souls?—Yes. I may say also that our place is increasing very much, but we are not granting any more licences if we can help it. We are rather keeping them down if possible. The barracks are getting up, and bringing a great many buildings about us, and we are keeping down the granting of licences as much as we can.

3985. Then, although you have no licensing court of your own, you still are able to exercise sufficient influence in the licensing court to allow you to regulate the number of licences?—Yes, with the justices in Glasgow.

3986. Are you content with that influence which you possess?—Yes, quite content. We have no fault to find. We have had only one conviction during the last 20 years, and that was of a grocer. We have had no case of a publican, although our police are very strict in looking after anything.

3987. When you said that you did not object to the sale of liquor in open vessels, what sort of vessels did you refer to,—a mug or a jug?—A jug or a bottle without a cork. I think that to send for a mutchkin in a sealed bottle would be too much to go into a house at one time.

3988. Do you think that it is not objectionable, for instance, for a child to be sent with an open bottle or a mug to a grocer's to bring spirits home?—If it is corked up I can see no objection to it.

3989. But if it came in an open vessel, might not the child put it to its mouth?—It might.

3990. Supposing the law required that, however small the bottle was, it should be corked and sealed, what would you say?—We have given instruction to the police not to allow spirits to be sent out with children.

3991. Not even as a messenger?—No, not in the case of one below 14 years of age. We don't approve of that at all.

3992. I suppose you would not disapprove of the law requiring that a bottle should be securely corked, whatever size it was?—No, I have no objection to the bottles if they make them smaller than a mutchkin,—say $\frac{1}{2}$ a gill or a gill.

3993. Do you not think that it would be a good thing that they should be made to buy a pint or none at all?—No.

3994. Do you think that drinking and cases of drunkenness are not on the increase in Maryhill?—No; I think it is a great deal better than it was. There was a great deal of drinking going on during the time the railways were being made, and the barracks going up brought a great many people about the locality.

3995. *Mr Campbell Swinton.*—Do you think that drunkenness is increasing among women at all?—I don't think that it is decreasing at any rate. The barracks bring a great many loose characters into the locality, and that is the reason of a great many of the cases of drunkenness. There are about 500 or 600 soldiers there, and some of these girls are brought up for hanging about the place. If we find them strolling about the gate, we take them up.

Adjourned.

(See App. D, p. 489.)

GLASGOW, SATURDAY, 20TH OCTOBER 1877.

Present :—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSSON.

SIR JAMES FERGUSSON IN THE CHAIR.

105. WALTER COOK SPENS, Esq., Advocate, Sheriff Substitute of Lanarkshire, examined.

3996. *The Chairman.*—You have prepared a statement of your opinions regarding the subject into which this Commission is now inquiring?—Yes; I have prepared a short statement of my views generally, and of the experience on which they are based, and I will now read it:—I have been a sheriff-substitute of Lanarkshire at Glasgow since December 1876. From April 1870 till December last I was sheriff-substitute at Hamilton. I disposed during these years of a large amount of criminal work; at Hamilton about 300 summary criminal cases per annum, for the most part cases of assault and breach of the peace. I am satisfied that almost every case of crimes of violence as well as breaches of the peace coming under my notice was due to the effects of drink,—certainly more than 90 per cent., and probably not less than 95 per cent. While I am satisfied that these offences and crimes were due to drink, I believe that a large proportion of these crimes and offences were due to the bad description of drink supplied. I have been so told by prisoners. I specially remember an old woman interceding for her husband on the ground that the drink had made him mad, that he had never before ill-used her, and that the stuff he had drunk had made his lips black. Considerable evidence has, I observe, been led before the Commission with reference to the minimum quantity of liquor (if grocers' licences are to be preserved) to be allowed to be supplied by grocers to individual customers. What I wish to bring before the Commissioners is the necessity of some means of regulating the quality of drink to be supplied. At present I have no hesitation in saying that large quantities of exceedingly unwholesome spirits are sold to the public, both at publichouses and by grocers. In this I am merely speaking generally, without special reference to Glasgow. I am speaking more especially

with reference to the Hamilton district, where I was nearly seven years.

3997. You are aware that in Glasgow a public analyst does examine the liquor sold?—My impression is that the liquor in Glasgow is better than is generally sold throughout the country. Practically at present there is no check as to adulteration throughout the country generally. I am not aware that any prosecutions have been directed in Glasgow or elsewhere under the Adulteration Act of 1875 against publicans or grocers for mixing whisky with methylated spirits or other compounds. The Adulteration Act itself is very defective in its provisions to insure efficient working throughout Scotland. It will be observed that it is essential to the prosecutions under that Act that samples of the impugned articles should be submitted to analysts appointed under the Act. I am not aware of the actual number of analysts appointed, but I believe the Commissioners will probably know that not one dozen have been appointed in Scotland. The Commissioners will observe that the appointment of such analysts for burghs under the 10th section of the Act rests with the town councils or commissioners of police of the towns and populous places throughout Scotland. It is obvious that it cannot be expected that town councils of small burghs and populous places, mostly made up of local tradesmen, will be anxious to furnish means for the carrying out of the Act. I submit that the terms of the Adulteration Act, so far at all events as Scotland is concerned, require revision; its measures should be made more stringent and comprehensive; and so far as regards the subject of Commission, should be such as to insure the sale by grocers of spirits not mixed with deleterious compounds. The admixture of foreign substances with whisky no doubt would come under the provisions of the Adulteration Act at present, if it was capable of practical enforcement. I need not enter into certain technical difficulties which contribute to render the Act difficult to be worked.

Walter C. ok Spens:

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Walter Cook
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But a large amount of physical and mental harm I believe to be done by the sale and consumption of freshly distilled coarse spirit, contaminated with a large proportion of fusel oil. There is no doubt that fusel oil is physically and mentally a poison, but I am inclined to think that as it is evolved in the process of distillation the sale of whisky so contaminated would not fall under the provisions of the Adulteration Act. I proposed, in a volume I published about a year ago 'On the Sanitary System of Scotland,' that it should not be legal to sell spirits until they had been kept a couple of years in bond, by which time the fusel oil evolved in distillation would have nearly, if not completely, disappeared. I understand, however, that it is perfectly possible for distillers to draw off this fusel oil at the time of distillation, and I would be inclined to submit that it should simply be made illegal to sell whisky having fusel oil in it beyond a certain small percentage. Apart altogether from offences under the Adulteration Act, it might be made matter of express enactment that a grocer selling whisky adulterated by methylated spirits or other compounds, or selling whisky containing fusel oil above a certain percentage, should be guilty of a statutory offence, on two convictions of which his licence should be *ipso facto* forfeited.

3998. I should like to ask you, from your experience in the Hamilton district, whether many cases of breach of the law by grocers came before you?—None whatever; they never came before me. All breaches of licence in burghs are generally brought before the magistrates themselves.

3999. But you had a large district besides the burgh?—I do not think they were ever brought before me. As a matter of fact, breaches of licence were brought before the justices of the peace. Because the justices granted the licences, I believe it was thought that all breaches of them should be taken before them, so that they might know at next court who had been guilty of violating their licence.

4000. Did the operation of the law respecting grocers' licences not come under your observation otherwise?—No.

4001. *Sheriff Crichton*.—You have had great experience in the Small Debt Court: have you had many cases before you of grocers suing for accounts in which spirits have been entered under some other name than spirits?—It has occurred in my experience once or twice, and I deducted the items. I do not consider 'aqua' a deceptive entry, the name in common parlance meaning whisky. Wherever I saw words like 'goods' entered, I insisted upon particularisation; and whenever I found that the entry meant spirits, without even considering whether I should apply the Act or not, but merely on the ground of a deceptive entry of that description having been made, I struck it off. But I think that only happened on two or three different occasions at Hamilton.

4002. And you found it out yourself?—Yes, generally.

4003. The objection had not been taken in the course of your experience?—Whenever the Tippling Act was pleaded, I always, of course, struck off the entries of liquor. The rule in Glasgow was to strike off all quantities under a quart bottle; a bottle was allowed.

4004. But I understand you to say that has not been a frequent thing,—you mean an attempt to deceive the court by using the word 'goods'?—I cannot say that it is frequent.

4005. Notwithstanding your large experience?—Notwithstanding my large experience, I do not remember many cases of the kind occurring in Glasgow being brought under my notice; and besides sitting in Hamilton I sat in Glasgow, and disposed annually for some years of more small debt cases than any other sheriff-substitute.

4006. Have you had many cases before you of actions against workmen for the recovery of small debts—money lent?—I am not at present sitting in the Small Debt Court in Glasgow, having another description of work; but I think on an average the number of cases disposed of in the Glasgow Small Debt Court is about 120 each day, and the court sits three times a week.

4007. But what I wish to ask you is whether there

are many cases of actions for the recovery of small debts for money lent, as we have been told in another quarter that there are a great many?—You mean for the recovery of money simply advanced by money lenders: there are a good many cases of that description in Glasgow. They generally come up in batches of from 30 to 40 at a time. I understand there is a practice since—you have referred to the subject—in the Edinburgh Small Debt Court, which—

4008. But I wish to ask you regarding your own experience?—I was going to refer to a difference which I understand there is between Edinburgh and Glasgow; but perhaps you don't care to hear about that.

4009. Oh yes?—I do not know what bearing it has upon this subject, but it has been brought under my notice that in Edinburgh money-lenders take an undertaking on the part of those to whom they lend money that, in the event of their not coming up with their weekly payments as stipulated, there shall be a certain something per week added; and that has been given effect to at least in the justice of peace court in Edinburgh. I cannot say if it has been given effect to in the Edinburgh Small Debt Court. I have not had any case before me, nor have I heard of any cases of that kind in Glasgow.

4010. *The Chairman*.—You know of no cases where this fine is imposed?—No; there may be some private understanding as to fines, but the money-lenders have never, in my experience, founded on such undertakings before the court.

4011. I do not refer to that particularly, but to small debt cases against working men for money lent; and what I wish to know is whether in Glasgow or at Hamilton you have had great numbers of these cases coming up in the Small Debt Court?—I do not at this moment recollect of any such cases coming before me at Hamilton or at Wishaw, where I also used to hold a court; but in Glasgow they are not infrequent.

4012. But they come up in batches of from 30 to 40?—Yes; money-lenders generally bring up batches of from 30 to 40 at a time.

4013. The reason I have asked your experience on this point is, that a clerk of the peace told us of the occurrence of many such cases, and said he believed the practice of lending money to working men had increased in consequence of so many items of liquor being disallowed in grocers' bills,—that the one seemed to have taken the place of the other?—And was his assumption that the money so obtained was paid as cash for liquor?

4014. Yes, I think so.—I cannot speak as to that; I cannot say whether there is anything of that kind. The number of these cases has decreased since the passing of the Wages Arrestment Act in 1871. You are aware that the effect of that Act was to prohibit wages being arrested except they were over 20s. a week, and the consequence has been that less credit has been given to working men. It may be that seeing they cannot get goods, they go to money-lenders to get cash advances to enable them to get goods; but the prohibition of arresting wages under 20s. per week has, I find, in the Glasgow Court diminished these cases—the explanation of that being that money-lenders find it unsafe to lend since they cannot arrest wages except over 20s. a week.

The witness afterwards communicated the following statement.—'I find from the clerk of the Glasgow small debt court that for nearly six years prior to the passing of the Wages Arrestment Act, 1870, the money-lending cases averaged 45 weekly. Since then the number has been gradually dwindling down, and at present, and for the last year at least, the average does not exceed 12 cases weekly. I also find from the same source that the batches do not now exceed on an average from 12 to 20.'

106. Dr JOHN KEITH ROBERTSON, Greenock, examined.

4015. *The Chairman*.—You come to present a memorial, I understand?—Yes; I have attended to present the following memorial from nine medical men

in Greenock :—‘Protest.—The undersigned members of the medical profession in Greenock desire to lay before the Royal Commission appointed to inquire into this matter their conviction that secret drinking among women has been considerably on the increase of recent years; and their opinion that this may to some extent be attributable to the facilities afforded them for the obtaining of liquor secretly through the system of grocers’ licences; against which therefore they desire to record their protest. Greenock, October 1877. W. J. Marshall, M.D.; J. K. Robertson, M.D.; James Wallace, M.D.; Charles Auld, M.D.; Archibald Dunlop Stewart; John Christal, L.K. and Q.C.P.I., &c.; Ebenezer Telford Dowie, M.D.; J. Robert Black, M.D.; John Wilson, L.R.C.P. & S.E.’

4016. How many medical men are there in Greenock?—I think about thirty.

4017. Are you acting in conjunction with any association in your profession upon this subject, in Greenock or elsewhere?—No; no association either in Greenock or out of it. I am not connected with any association whatever in this matter.

4018. You have not been in communication with some medical men in Edinburgh who presented a similar memorial?—No; I never heard of it until now.

4019. I ask the question because it makes your evidence more independent if you are not so connected?—I am really independent in the matter.

4020. Can you speak to certain cases in your own experience of the kind referred to?—I have had several such cases under my own observation,—at least perhaps several cases over a number of years; but I know of one case where a party was allowed to have so much groceries—in fact any groceries she might require—but was restricted to groceries, no spirits being allowed.

4021. Allowed by her husband?—No; in this case it was her son, and she took advantage of that to procure liquor under the name of groceries; and in the bills that came in she appeared to be very extravagant in groceries.

4022. On inquiry did it turn out that some of the items represented spirits?—Yes.

4023. And was the bill disallowed?—Oh no, it was paid; but of course it was grumbled at and grudging.

4024. Was this case in Greenock?—In that neighbourhood.

4025. Are we to understand that the gentlemen who sign this memorial refer to cases within their own observation?—Really I cannot answer that question; I have not spoken to them on the matter.

4026. Did you draw up this paper?—No, I did not draw it up; but I signed it, and was asked to present it.

4027. Would you tell us who drew it up?—I do not exactly know who drew it up, but I think Dr Marshall modified it a little, as far as I am aware.

4028. Though you present it you cannot say whether those gentlemen agree to it from actual knowledge, or only from a belief that it is very probable that secret drinking has been increased by grocers’ licences?—I cannot say anything as to that. I just think that in signing the memorial they would be of the opinion expressed in it.

4029. In your own professional experience have you had many cases of women suffering, in your opinion, from the effects of strong drink?—Oh yes, many.

4030. I do not mean people of the lapsed class, but belonging to a better class?—Yes, a good many—more than is generally supposed.

4031. And you say that is on the increase?—I should say so.

4032. *Mr Campbell Swinton.*—Are those women the wives of sober husbands?—In some cases; generally speaking, the wives of temperate men—not immoderate drinkers.

4033. *The Chairman.*—Have you had your attention called to the mischief done by inferior spirits, as well as by excess in the use of spirits?—I have. I have seen some very sad cases of the effects of whisky taken in a very short time, and probably in small quantities.

4034. What do you mean by taken in a short time?

—I mean, for instance, in the case of a party going out and coming in within an hour or so, so bad as to create serious alarm.

4035. And you judge from that that the spirits were bad?—I judged that they would not have swallowed it in such quantity as to have done them the harm I have seen if it had been good. I had one case of a young lad who had not been gone for an hour, and who was so bad that he was perfectly insensible and quite incapable. I had to apply the stomach pump, and even then it was doubtful whether I could save his life. In another case I had a young lad who actually died from the effects of rum drinking. He had had two or three bottles to carry for his master. I do not know how much he had taken of it, but he actually died.

4036. You cannot say whether that was from excessive drinking or from drinking bad spirits?—I could not say, but the probability is that it was bad spirits.

4037. *Sheriff Crichton.*—In both cases?—In both cases.

4038. *The Chairman.*—Have you ever examined the spirits sold for consumption?—No, I have never examined them in any way almost. I have tasted some which I thought was very very strong; but I am not a great judge of these matters, as it is many years since I took anything myself. I am not a signed teetotaler, but practically I am an abstainer.

4039. Were the spirits, in the cases you refer to, bought at a publichouse or at a grocer’s?—In the case of the lad who died of the effects of the rum, I cannot say where the liquor was got. The lad was merely the carrier of the rum: he was not allowed to take it. The probability is that it was taken from some ship to the owner’s house, or something of that sort. In the other case, it is impossible to say where the lad was. He could say nothing about it himself. He remembered nothing from the time he left his home, except that he had gone along the street and had met a party, and gone into a publichouse. That was all he remembered.

4040. He had gone into a publichouse. Are you aware what it is in the spirit commonly sold—where it is bad—that makes it unwholesome or poisonous?—I presume there are strong acids in it. I have been told by some that there is even sulphuric acid in it, but I cannot say as to that. Of course we all know that fusel oil is a product in the distillation of whisky when the distillation is not perfectly performed, and it is a very deleterious ingredient in inferior whisky. In the cases I have given, I am convinced it was not the quantity but the quality of the whisky that had done the injury to the patient.

4041. *Mr Campbell Swinton.*—You gave us one case of a woman which bears more particularly on the statement in the memorial; have you any other case such as that?—I do not remember any other particular case; but from hearing, as I go along, how some women are supplied with drink, I am decidedly of opinion that some cases of drunkenness among women are traceable to those grocers’ licences, enabling women to get drink under the plea of provisions.

4042. *Mr Ferguson.*—Have you formed any opinion, as to what would be a complete cure for this evil?—Any remedy that might be proposed would only partially affect the whole question of the drinking customs of women, but I think that the withholding of licences from grocers would be a step in the right direction, and would keep women from acquiring drinking habits, which they are apt to acquire through the facilities they have for obtaining drink. I think it is right that they should have no temptation placed in their way.

4043. What do you suggest?—Complete separation of the trades. If women are to get drink, let it be known that they do get it.

107. *Mr ALEXANDER MACDONALD, M.P., examined.*

4044. *The Chairman.*—I believe you have taken considerable interest in the subject of our inquiry?—I have.

4045. You are able to speak, I suppose, to the

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operation of grocers' licences over a large extent of country?—I think I can with some degree of accuracy.

4046. Particularly in mining districts?—Yes, in mining districts particularly.

4047. And both in England and Scotland?—Both in England and Scotland.

4048. To take Scotland first,—would you tell us if you have formed a positive opinion as to the effect, beneficial or otherwise, of grocers having power to sell liquor not to be consumed on the premises, as compared with publichouse licences?—I have formed a very strong opinion on that subject, and it is, that it would be conducive to the welfare of the community if the granting of licences to grocers to sell liquor to be consumed off the premises was abolished altogether.

4049. Setting aside for the moment the question of grocers holding licences, do you think the selling of liquor to be drunk at home is more injurious than the selling of liquor to be consumed on or off the premises as in publichouses?—My objection to grocers' licences is that they have a tendency, greater than publichouses, to lead to consumption at home; that is one of the reasons why I think they should be abolished.

4050. You think the selling of liquor to be consumed at home an evil in itself, do you?—As I have said, what I strongly object to in grocers' licences is the facilities they give for the consumption of liquor; and I also object to the manner in which the liquor is supplied. I have formed the opinion, based, I think, on careful observation, that it is more dangerous to the interest of the family when liquor is conveyed into the house from the grocers than when it has to be got from a publichouse.

4051. Because it is mixed up with the sale of eatables?—It is mixed up with the sale of eatables, and it may afford means—indeed, it does afford means—for liquor being obtained when that is not the article which is represented as having been sold, to the injury of a working man's family, while he is absent at work. I do not mean to say that that is a general practice, but it is a too common practice.

4052. Have many cases come to your knowledge, or have you been informed that there are many cases of wives of working men buying spirits unknown to their husbands, and so getting them into debt?—In the position I have occupied for the last twenty-five years I have perhaps had more direct connection with working men, and have had greater opportunities of hearing from them statements on matters of that kind, than any man living, and when I have been consulted, as I often have been, by industrious honest working men on matters relating to debt and otherwise, they have frequently told me that their wives had got from places where drink was sold along with groceries, large quantities of liquor, thereby injuring not only themselves alone, but their families as well. I am speaking of Scotland just now; I may say that that was more the case twenty years ago than now, and that such things occurred more frequently when the store system—the truck system—which existed in Scotland was so rampant. Then almost every industrious working man had more or less to complain of it.

4053. Have the working men in any association or body, apart from temperance societies, ever passed any resolutions on the subject of the trade in liquor against the sale of spirits by grocers?—There have been no resolutions come to by working men on the subject apart from other members of the community. There is one thing I should like to point out to you, which indicates very clearly, as I think, the desire of the industrious and intelligent working men of this country, and that is the manner in which they conduct their co-operative societies. So far as I know at the present moment,—I speak with a considerable degree of caution, but also with some certainty,—there is not out of the whole of the co-operative societies in the United Kingdom 1 per cent, or, I venture to say, $\frac{1}{2}$ per cent., where working men have the management,—not working men of the mining but of all classes—that have attached to their stores a system of drinking.

4054. In saying the system of drinking you mean the sale of spirits?—Yes, in any form.

4055. *Sheriff Crichton*.—Of beer also?—In some cases in England they sell beer, but very few. I am including the whole when I say that I am satisfied that there is not 1 per cent. of all the stores which are the result of the efforts of working men exclusively and none other, that have attached to them any department for the sale of drink. I may say, when I am speaking on this matter, that according to a return which I had the honour of moving for in the House of Commons, and which has just been published, there are of registered co-operative societies 810; and I think I am under the mark when I say there are 300 more unregistered. All those societies are the results of combinations of working men and working men exclusively, and they have almost all eschewed mixing up the sale of intoxicating liquors with other goods in their stores as an evil. I know of no better proof than that the intelligent and industrious working men of the United Kingdom are opposed to the system of combining the sale of groceries with the traffic in spirits. I may say that something like two millions of our population are connected with those societies; and these are not temperance men.

4056. *The Chairman*.—As you have been speaking of objections to the sale of liquor by grocers, may I ask if you entertain any objection to the sale of liquors by spirit-dealers not being publicans,—that is to say dealers who sell spirits to be taken away to be consumed? I wish to find out whether you look upon it as a special evil that people should be encouraged to take liquor home rather than consume it on the premises where it is obtained. Suppose there were spirit-dealers, as there are some, who are not grocers, but who can only sell liquor to be taken home, do you consider that a worse system than to have publichouses?—On that point I will not venture to give an opinion; and for this reason, that so far as I am aware there are no such places in the country. They are only to be found in large cities such as Edinburgh and Glasgow.

4057. You indicate a special evil. Now, there are various ways of remedying that evil, if it be admitted to be an evil. One is simply to take away licences from grocers, and throw the whole business into the hands of publicans; another would be to give licences for the sale of spirits not to be consumed on the premises to a class of trader not allowed to sell provisions. Now, in order to see what your opinion really is, I must find out whether you object to the sale of liquor to be taken home—considering it as a working man's question—or whether it is only the sale of it in conjunction with provisions that you object to?—As I have already said, I have not directed my attention to that point, because it has not come under my observation; but I should greatly prefer, looking at the question broadly, the use of intoxicants in a publichouse or well-conducted liquor store rather than to see them carried into the working man's home. I do think that taking strong drink into the homes of the labouring classes, where there is frequently only one apartment, and using it promiscuously before children, has a most injurious effect upon the habits of the people. It is quite different with the rich and middle classes, who have more accommodation, and do not necessarily indulge before their children.

4058. But you know that in England the bringing of beer home from the publichouse is a matter of daily occurrence, and is not understood to indicate unsteady habits,—it is a condition of life almost in England?—Yes, but the beverage used by the people of England is a different thing.

4059. It has been stated by many witnesses on the other side of the question, that spirits are to a greater extent the national beverage in Scotland than beer, and that the use of spirits in moderate quantities in the family is permissible, and not at all the reverse of respectable, and that therefore there ought to be proper facilities for procuring them. I merely put that to you, and ask—How are people to get spirits who have occasion to use them in their house?—I have seen that stated, but my knowledge of the working-classes does not lead me to infer that they desire to use strong

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drink as a beverage at dinner or at other times, but the reverse,—that the use of strong drink in the homes of the working classes is an accident rather than a habit. I am not saying that there are not some who do that, and probably too many, but the use of strong drink in the homes of the poor or working classes of this country is, I believe, an accident, and I should be sorry ever to see the time come when they shall look upon it as a necessary beverage at dinner or their other meals. I have never, in all my experience, in Scotland particularly, heard the desire expressed that spirits should be so used; nor have I ever seen in the homes of the industrious working men of the country strong drink used as a beverage to meals. If it was used at all, it was used as a specialty on the occasion of a friend being there. They have no cellars.

4060. I should like to ask you about the operation of the licences granted to grocers in England. Of late years—I think in 1866—an Act was passed under which licences are issued by the magistrates without option on their part, on the recommendation of the Excise. Have you observed the effect of such licences there?—I have not observed the effects there that I have observed in Scotland; whether it has arisen from the fact that there has not been sufficient time to create an impression, I cannot tell. I do not say a word against the gentlemen connected with the grocery trade in Scotland, but I do not think the same practices are adopted there that are adopted here, that is the selling of liquor so indiscriminately.

4061. It is different in this way also, that the spirits can only be sold in sealed quart bottles?—That is so.

4062. *Mr Campbell Swinton.*—May not the fact that beer is the national beverage in England have some influence on your not noticing any special effect from the new law as to the selling of spirits?—It may. I am sorry to say that I think the use of the stronger beverage is increasing in England to some slight extent; but do not think the law referred to has made itself apparent in any way.

4063. Is it in the least common for working men in England to buy ardent spirits to consume at home?—It is not a customary thing: it is not necessary.

4064. They prefer beer; they have been more accustomed to it?—Of course they do, and besides they go to the publichouse and get there what they require at hours that are convenient for them.

4065. *Sheriff Crichton.*—In regard to those stores that are conducted in connection with public works, have most of them licences for the sale of drink?—The most of them, I think, have. I wish to say that practices that were common at those stores have led to a large extent to the injurious form that the selling of liquor in connection with goods has taken throughout the country. In those places, in days gone by—happily it is not so now; the strong arm of the law has come down upon the system, and popular feeling has been such that the parties who conducted such places are now ashamed of them,—in those places, I say—and I speak from personal knowledge—the workmen's wages were not infrequently consumed, a large portion of them in drink, before the man came out of the mine at all; and not seldom the inquiry was made how much the man had earned, in order that the money might be got, while he and his family were not out of the mine.

4066. That does not exist to any extent now?—Not to any extent; but still there are stores, I regret to say, throughout the mining districts where customs of that kind linger, and they have a most disastrous effect upon the habits of the people.

4067. Do you mean to say that there are some stores now kept by the owners of works where liquor being procurable is got by the women while the men are at work?—Not by the owners directly now. But there are indirect methods by which stores can be kept. There are stores which are conducted in the name of certain persons, the whole profits of which, it is perfectly well understood, accrue to the owners of the property, the colliery, or the iron mine or iron work.

4068. *Sheriff Crichton.*—Is that so now?—That is so now.

4069. *The Chairman.*—There is nothing illegal in the owner keeping a store in his own name provided he does not deduct wages in payment of the accounts?—There is nothing illegal in it; but I must say it is not looked upon by the higher class and larger number of mine owners now as respectable.

4070. But there are stores whether kept by owners or not, yet in some way connected with them, where drink is still got by women in the absence of their husbands?—Yes.

4071. These stores of course holding grocers' licences?—Yes.

4072. *Mr Campbell Swinton.*—In regard to one of your statements about the money being consumed before the men came out of the mine; that does not exist now, does it?—It does not exist in the aggravated form that it did, but to some extent it lingers in various parts of the country.

4073. Is drunkenness increasing or diminishing amongst the labouring classes with whom you are particularly brought into contact?—I was desirous of making a statement on that subject, because I think it is only fair to the working people of this country that that question should be put in its true light. I unhesitatingly say that drunkenness is not increasing, but largely diminishing.

4074. *The Chairman.*—You are speaking, of course, of the districts and classes with which you are particularly acquainted?—I am speaking of the state of the working classes generally,—and I think I shall be able to show you on what I found my opinion. There are those who would have you believe that the working classes are retrograding, that they are getting worse and worse every day. So far from that being the case, I venture to say that government returns prove the very reverse. A few years ago, being satisfied that the statements made by certain parties as to the deterioration of the working classes were altogether at variance with facts, I asked certain returns from Government. These returns have been published annually, and one I hold in my hand now was published just the other day. The first part of the return is in regard to Savings' Banks. I may say that 45 years ago, when I first became connected with working men, Savings Banks were unknown. The money in the Savings Banks of the United Kingdom at the close of the year 1875, which is the last for which a return has been published, amounted to £42,387,529, and the number of depositors was 1,479,192. The money in the Post Office Savings Banks amounted to £25,187,345. That is one form of the providence of the people. I endeavoured, but failed, to get any return as to the character of the depositors; but these funds are all the possessions of the poorer classes of the people. At the very time we had the cry raised against working men that they were dissipating their means, to my knowledge numbers of working men had the whole of their children in the Post Office Savings Banks, and had to borrow names in order that they might continue their deposits. Such was the providence amongst them. The total sum in these two classes of banks foots up to something like £60,000,000 sterling. Forty years ago we had nothing of that. Then we have the Military Savings Banks: there is some money there. We have also the Naval Savings Banks, and the banks of the Mercantile Marine, in all of which there are large sums of money.

4075. Are these not included in the returns of the Post Office, or General Savings Banks?—They are not. Next we have our friendly societies. And now permit me to say that forty years ago there was scarcely a working man in connection with friendly societies. The money in the hands of registered friendly societies amounts to £9,000,000. Now, I venture to say that at least one-third of the friendly societies are not registered, and we would not be beyond the mark to say that their funds amount to £3,000,000. Then we have co-operative societies, of which I said there are 810 registered in the United Kingdom, with funds amounting to £3,653,832, and of co-operative societies scarcely more than one-half are registered. In addition to these there are the burial societies, which were also totally unknown forty years ago. If we take

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the unregistered co-operative societies, which as I have said, form one-half of the entire number, I venture to say we should find that in these societies alone there are funds amounting to something like £10,000,000. In the little town of Bacup you can see no less than eighteen factories in the possession of working men, owned by them and run by them; and yet we hear the infamous slander, for I can call it nothing else, that working men are daily getting worse. We have again our trades unions with an income of close on £4,000,000 sterling yearly, lying out for their benefit. I have not yet been able to obtain returns regarding building societies; but I know whole villages,—absolutely whole villages—which are almost entirely owned by working men; and yet we hear this base slander,—that working men are getting worse and worse! There is a steady progressive improvement in the habits of our people that is astonishing, when we consider the adverse circumstances with which they have recently had to contend.

4076. You say these are distinct proofs that on the whole intemperate habits are not increasing amongst the working classes; at the same time you say there are dangers, such as we have pointed out, and that we may do something to reduce them?—Certainly there are dangers; and just let me say in regard to the quantity of drink that is used, that I believe it is not used so much by the working classes of the country as a body as is generally supposed. I venture to say that the larger portion of the drink is used by the middle classes. The time was when the middle classes,—people connected with the commercial interests of the country, were satisfied with sending, like the working classes, for a glass when their friends arrived. Now we have a well plenished cellar in every house, and large sums of money spent on foreign liquors, as well as the choicest productions of our own country. Then again there is another class which contributes to the large consumption of drink,—the confirmed drunkards. In my youth the confirmed drunkard was totally unknown. Now, unfortunately for the country, there are hundreds of men who, from causes of various kinds, make it the business of their lives to do nothing but drink; and as a matter of course, when any return is made, it is all put down to the working classes, while these men are perhaps consuming forty times more.

4077. You do not perhaps speak from actual observation; but would you really say you believe that drinking habits are greatly increased amongst the middle classes now as compared with forty years ago?—I say that the use of drink as a beverage, morning, noon, and night, has increased greatly as compared with what it was thirty years ago. Take the city of Glasgow: I remember it twenty-five years ago. Had you then places where a young man could enter and drink 15, or 12, or 10 halves of brandy in a forenoon with a soda to kill them? Such a thing was unknown. You have now accommodation for, and fascination connected with drinking, for the very purpose of attracting young men engaged in commercial pursuits in this and other large cities, of an entirely different character to what there were thirty years ago.

4078. *Mr Campbell Swinton.*—You do not mean to say that drinking to excess amongst the middle class has increased of late years?—Not drinking to excess, but drinking as drinking. Thirty years ago when a man got drunk at all it was when he went home; but now we have a continual moving towards those large establishments. And what do we find?

4079. *The Chairman.*—What is called nipping?—Yes, a continual nipping, so that a man when he goes home a journey of perhaps twelve miles out of town in the evening, carries as much home positively in his skin without any apparent effect, as thirty years ago he would have got gloriously drunk upon at home.

4080. *Mr Ferguson.*—Thirty or forty years ago was it the custom for people to drink every day, or was it not rather when they had friends now and again?—Certainly; when a farmer or middle class man came into town twenty-five years ago he had a meeting; wherever he went to do business there was a meeting. Now, we have that very class crying out against the

intemperate habits of working people, while amongst themselves day after day and hour after hour this continual system of intemperance goes on, and yet they are never in the condition that a man with a glass of beer gets into on a Saturday evening after a week's hard work.

4081. *The Chairman.*—I have been asked to put a question to you with reference to the practice of women getting drink in their husbands' absence at certain stores. I am requested to ask you if that is in one part of the country more than another; and if so, in what part of the country these stores are situated where women get drink in these circumstances?—Do you refer to stores connected with public works?

4082. Not particularly?—I have had complaints made to me regarding the counties which I may designate as the west of Scotland,—Ayr, Dumbarton, Lanark, and Renfrew. I have never had these complaints made to me by working men in—perhaps it is invidious to say it—in Fife and Clackmannan. In Mid and East Lothian I have very rarely heard them indeed. In Linlithgow now, there are complaints.

4083. *Mr M'Lagan.*—In the four counties—East and Mid-Lothian, Fife and Clackmannan—you have not had complaints made?—They have been mentioned to me, but very rarely.

4084. *The Chairman.*—Is there any other point you would like to mention?—I should like to repeat my conviction that the working-classes of this country are not deteriorating, that they are not getting more dissolute in their habits, but the very reverse. They are getting more provident, and I anticipate, with the spread of education, that there will be still further progress in that direction.

4085. *Mr Campbell Swinton.*—Do you think there has been a marked improvement since the passing of the Forbes M'Kenzie Act?—I do not think it has had anything to do with raising the condition of the people.

4086. *The Chairman.*—Do you think it has diminished drinking on Saturday night and Sunday?—I am not prepared to say. I have no faith whatever in restrictive laws raising the people to any extent. I believe they may diminish evils, but I look to an entirely different source for the improvement of the people—the self-respect arising from education, reliance upon themselves—and not to coercive laws such as the Forbes M'Kenzie Act.

4087. *Mr Ferguson.*—You told us a little ago that in your younger days there was no such thing as confirmed drunkards amongst working men, but that there is a considerable number now; does your experience lead you to think that that is increasing?—The number is increasing, but the number is not increasing *pro rata* more than the population.

4088. You have told us that the better class of working men are making progress in the right direction; is the reverse the case with those who have given themselves up to drink?—The very reverse; the man who gives himself up to drink casts away his sheet-anchor at once.

4089. And they become worse?—Every day worse.

4090. *The Chairman.*—Do you think that drinking habits increased amongst the working classes with the rise of wages? Of course I do not mean to say what they might do in an improved state of education and social habits; but taking things as they are, in your experience is that the case?—With the extraordinary inflation of wages that took place two or three years ago, I have very little doubt but drinking did to some extent increase; but with the rise of wages that has constantly and progressively taken place at various times, I do not think that it did, or is likely to increase.

4091. When there is an abnormal increase, and when the workmen have more money than they know what to do with, it does?—In a well-conducted working man's house there is always plenty to do with the money. I do not agree with the statement you have made, that a working man does not know well what to do with his money. Even when wages are at their highest, in a well-conducted house the working man has always plenty to do with his money. But it is quite true that amongst the more

thoughtless, in the inflated period to which I have referred, there was a recklessness in spending that does not occur at other times, just as when there is a high rate of prosperity in trade, our middle class and commercial men become more extravagant. I may explain that I attribute the different state of matters which I have spoken of as existing in the centres of Fife and Clackmannan, and Mid and East Lothian, and a large portion of Linlithgow, to what exists in the west of Scotland, to the fact that there the people are entirely different from what they are in the large manufacturing and mining districts of the west. In the west there are a great many people who come from a sister isle, who unfortunately had nothing, were not accustomed to habits of providence; and those people who had in poverty nothing, contrive to have in affluence nothing. These people, I fear, will not improve; but I am bound to say that the sons and daughters of those people who intermarry with the native population are acquiring the habits of industry and providence; and as we do not now have the wholesale importations there were twenty-five years ago, the evils I have spoken of may be expected to disappear.

4092. *Mr M'Lagan*.—You are well acquainted with the Airdrie district?—Yes.

4093. I presume the population you refer to predominates there?—Not so now; it did.

4094. Perhaps your attention has been drawn to some statements that appeared some time ago regarding the great increase of drunkenness and crimes in that district at the time you speak of, when there was a great inflation of wages—in 1873 and 1874?—Yes.

4095. That was a fact?—Yes; but I attribute that to the great influx of strangers. If you look over the crime roll, the names will show you at once what population that occurred amongst.

4096. You have paid a great deal of attention to the habits of working people, and there is one matter which has been brought under our notice on which I should like to have your opinion and experience. It was found that as wages increased, in stores which are kept—in mining districts, for instance—the consumption of spirits increased also, and that to a larger extent than any other article in the store. Wages then decreased, but while the consumption of other articles fell simultaneously, the consumption of spirits did not fall to the same extent. Is that consistent with your experience?—I think it is.

4097. And you infer from that that when people acquire the habit of drinking it sticks to them, and they do not get so readily quit of it?—I am satisfied that is the ordinary history of such cases, whether the parties are working men or not.

4098. You think that when wages rise there is a greater increase in the consumption of spirits than of any other article, and that when wages go down there is not a corresponding decrease?—I am quite prepared for that statement; my observation would lead to that. I feel quite convinced that the habit once acquired is not so easily given up as if the increase had taken place in clothing, or the necessaries of life. They will part with the necessaries and comforts of life—none of the luxuries fall to their lot—more readily than with spirits once they have the habit of drinking. There is just one other thing I wish to say, and that is that I am not to be understood to be making any charge against the respectable grocers of Scotland. What I have said applies to the manufacturing districts,—the outlying districts, and not to cities. The condition of things that I have spoken of has arisen more, I believe, from the adverse circumstances in which the trades were placed through the operation of stores in connection with works 25 years ago than from any desire on their part to increase intemperance amongst the population. The practices I have alluded to were common in the stores in connection with works, and grocers were compelled, if they expected to live at all, to adopt in some degree the practices taught them, if I may say so, by the more powerful and monied class in the community. I hope I shall not be understood as saying a word against the gentlemen who hold grocers' licences; but unquestionably I am of opinion that the sooner the

sale of liquor is separated from the sale of groceries, it will be the better for the community.

GLASGOW.

Alexander
Macdonald.

Colin
M'Culloch.

108. Mr COLIN M'CULLOCH, Depute Town Clerk, Greenock, examined.

4099. *The Chairman*.—You are depute town clerk of Greenock?—Yes, and assessor to the police court.

4100. You come, I think, to inform us particularly as to the alleged practice of some grocers entering liquors as goods in their customers' pass books?—Yes, I have come to give information on that subject.

4101. Have such cases frequently come under your observation?—I may say that I have had occasion to attend the Small Debt Court for a considerable time past, and I have seen cases where spirits have been entered under the guise of groceries. In all the cases the sheriff disallowed the items, and reprimanded the party for resorting to that device.

4102. But you do not quite say whether such cases have been numerous?—They were not numerous; they were very exceptional, and were so far back as 1868. The party who then was in court has since dropped the licence.

4103. So far as you know, these cases occurred with only one dealer?—With one dealer.

4104. *Sheriff Crichton*.—And there have been no cases since 1868?—None since 1868 to my knowledge. I had also some information to give to the Commission regarding the number of licences in Greenock. There are only 39 licensed grocers in Greenock, which has an estimated population of 68,000. That is 1 to each 1769 of the population.

4105. *The Chairman*.—How many hotels and public houses are there?—There are 9 hotels, 193 publichouses, and 39 licensed grocers.

4106. What proportion does that give of licensed houses to the population?—That gives a proportion of 1 to every 282.

4107. Are you acquainted with the procedure in the licensing court?—I am. I am in constant attendance at the various licensing courts as clerk to the magistrates.

4108. Has the number of licences granted to these respective classes of houses increased or diminished of late years?—Since 1864, there has been an increase of 14 grocers' licences, of hotels there is a decrease of 1, while of publichouses there is almost the same number in 1877 as there was in 1864.

4109. Have the magistrates refused to grant many new licences applied for?—In a great number of cases.

4110. Both of publichouse and grocers' licences?—Both; in fact, only in very exceptional circumstances will they grant new licences for either the one or the other.

4111. Then the number of licensed grocers is very small in proportion to the number of unlicensed grocers in Greenock?—Very small.

4112. And the magistrates are averse to licensing more?—They are.

4113. It is, then, rather a valuable monopoly that is held by a limited number of the same trade?—It is a valuable monopoly.

4114. Is it within your knowledge that large sums are paid for the good will of a licensed business?—I have positive information on that point, because when a transfer either of a hotel or publichouse or grocer's licence is reported to the magistrates to have the transfer confirmed, they invariably report the value of the business—the selling price of the business—and in all cases the grocer's licence is very much inferior to the publichouse licence in value.

4115. Can you give us the value you know to have passed for the transfer of businesses of either kind?—In publichouses, the price has been usually from £500 to £800 for the good-will.

4116. And what would you suppose to be the rental of the houses the transfer of whose business comes to that amount?—Usually from £60 to £70.

4117. Then, as regards grocers, what prices do you know to have passed?—The selling price last reported

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to the court was £50, and the rent of the shop was about £18.

4118. Have you never known a higher price paid than £50 for a licensed grocer's business?—I have not.

4119. *Mr M'Lagan*.—Was that £50 all for good will, or was it in addition to the value of the stock?—Good will entirely.

4120. *The Chairman*.—Do the magistrates usually grant transfers, provided they are satisfied with the parties?—Almost invariably, if the character of the applicant is good. I wish to state that we have a class of grocers licensed in Greenock which does not exist in most towns, that is ship-store merchants, who only supply ships. They supply ships with groceries and excisable liquors on the order of the owner, and otherwise; of these there are seven in Greenock. I wish also to explain that of grocers who sell spirits, porter, and ale, there are only sixteen; of grocers restricted to the sale of porter and ale there are seven; while of dealers who hold grocers' licences but do not sell groceries there are nine.

4121. Have any of the large grocers who hold licences in Greenock transferred their licences of late years?—Some of late years.

4122. Are there some, the rental of whose premises is very much more than £18?—Those merchants whom I mentioned as being in a large wholesale way, but selling no groceries, have rents usually of about £100.

4123. Then as to the large grocers who have licences, but whose businesses have not been transferred, you cannot speak to their value?—I cannot speak to the value of those. I may mention that the number of convictions during the last ten years for breach of certificate by grocers was five. These were convictions for selling liquor to be consumed on the premises. I have lately visited, along with the superintendent of police, all the premises in Greenock occupied by grocers holding licences, and we found that there are three who reside on the premises, and I thought it might be worth considering whether there should not be a condition in the licence to the effect that the parties should not reside on the premises in burghs. It is a bad thing for the family, and it allows of a secret trade being carried on. Many of them closed, we found, on week nights at eight o'clock, and at ten on Saturdays, and there seemed to be a pretty general opinion, even in the trade itself, that the hours might be restricted to eight o'clock during the week, and on Saturdays to ten o'clock.

4124. Suppose a grocer found it for his interest to keep open to eleven o'clock, and the law was to force him to shut at eight o'clock, that would turn his business into somebody else's hands, would it not?—Into the hands of the publican. Reference was made by the medical gentlemen from Greenock to the adulteration of liquor. I may mention that we have a public analyst in Greenock, part of whose duty is to report as to spirits, and in only one instance during five years am I aware of a case of alleged adulteration coming before the magistrates. It was in connection with a supply of rum, and the party afterwards produced a certificate to show that the rum was unadulterated, and contained no deleterious ingredient.

4125. *Mr M'Lagan*.—What was the party accused of adulterating it with?—He was accused of adulterating it with some solution of copper, which had had an injurious effect upon the party who had partaken of it.

4126. *The Chairman*.—It would be no part of an analyst's duty to say whether spirits are unwholesome from newness,—from their containing fusel oil or anything of that sort?—I know that he gives certificates to dealers who advertise that their liquor is free from fusel oil, but the authorities do not require him to report either as to newness or its containing fusel oil.

4127. But the analyst does give certificates to parties that their liquor is free from fusel oil?—Yes, and they advertise that as a guarantee of the purity of their liquors.

4128. *Mr M'Lagan*.—Would the magistrates consider fusel oil an adulteration?—I think not. The question has not been before them, but I fancy they would not consider it an adulteration.

4129. *The Chairman*.—Have you anything else to add?—I have nothing else to say, except that we have in one of the districts in Greenock a considerable proportion of working class population,—there may be about 15,000 of a population in the first ward and the east part of Greenock; and in that district there are only two licensed grocers, and these are restricted to porter and ale. In that district we find that there is an enormous number of cases of drunkenness,—so much so as to call from the people of the locality a request for additional police cell accommodation being fitted up.

4130. What is your inference from that fact?—My inference is that in this locality the evil is caused by the publichouses and not by the licensed grocers.

4131. *Mr M'Lagan*.—I suppose you infer that there is a great evasion of the law, and that these people sell whisky clandestinely?—No.

4132. You do not mean that the grocers evade the law and sell whisky?—I do not mean that at all. I do not think that in Greenock there is much evasion of the law. There is very complete supervision by the police; and the magistrates are all inclined to lessen drunkenness to the utmost of their power.

4133. Have the police ever complained of the difficulty they find in convicting grocers?—They have not. There have been cases of grocers being convicted; but I never heard of any difficulty in getting evidence for a conviction where the parties were suspected.

4134. You have not heard the police superintendent express a wish that the law regarding the searching of the premises of grocers should be made the same as regarding the searching of publichouses?—I do not think he has had any special difficulty that way; but he is to be here to give evidence.

109. Mr ROBERT WATSON CHALMERS, Solicitor, Greenock, examined.

4135. *The Chairman*.—I understand you are prepared to speak to the alleged practice of grocers entering goods instead of liquor in pass-books?—Yes.

4136. You are a writer in Greenock?—I am. I may say that Mr M'Culloch has omitted to say that for some years back, owing to his having been depute town clerk, he has not been so frequently in court as the other members of the faculty. I am able to speak to more recent cases than 1868 that have come under my observation as a procurator at the Greenock bar. I do not speak particularly with reference to Greenock, but of the lower ward of the shire over which the sheriff at Greenock has jurisdiction. I have seen several cases since 1868 where other things besides whisky and beer and porter have been entered in the pass-books when really these were the articles got. The latest case that came under my notice the most frequently recurring entry in the book was 'laq,'—at least that was what the sheriff made it. I exhibit the pass-book.

4137. Had that any meaning?—I cannot tell. That was the entry made by the grocer that was taken objection to by the party in the court, and it was struck off by the sheriff.

4138. *Sheriff Crichton*.—When did that case occur?—Two or three years ago.

4139. *The Chairman*.—At all events, this entry was disputed and disallowed?—It was disallowed by the sheriff. That is the latest case that has come under my observation.

4140. Have you any other statement to make?—With regard to the transfer of grocers' licences, that is a class of transfer that is not by any means so frequent as the transfer of publichouse licences; hence we are unable to give the same information in regard to the values obtained by parties transferring. The transfers in grocers' licences generally take place from father to son, or from one member of the family to another.

4141. I suppose that is so in Greenock, because the number is so restricted?—It may be. With regard to adulteration, I may state that I know of another case in which adulteration was alleged besides that mentioned by Mr M'Culloch. Certain members of the crew of the *Aurora*, which was then lying at the Tail of the Bank, had come ashore early one morning about 7 o'clock, and by 9 o'clock they had been carried to the ship, five of them in such a condition that they lay at death's door until about 6 o'clock in the evening. The liquor on that occasion was got, I understand, from a publichouse. That case was said to have been occasioned by adulterated rum. As you have heard from Mr M'Culloch, there is a large amount of drunkenness in Greenock, and it is seen more particularly on Saturday evenings. It is sometimes dangerous for parties to pass along the streets.

4142. *Sheriff Crichton*.—I have examined the pass-book you showed, and it seems to me that what you take for 'q' is 4½d. Don't you think the entry may be 'lo,' for loaf, '4½d'?—It might. I think it was admitted by the grocer himself that that was entered instead of spirits. I may say that I have heard statements made repeatedly, particularly by working men, in regard to drink being obtained by their wives at the licensed grocer's, and that when they had acquired the habit of taking it they latterly went to wherever they could get it. I have been told frequently by working men that the facility for obtaining drink at the grocer's had been the means of leading their wives into habits of intemperance. I have no experience in regard to drink being consumed on grocers' premises; but I have been told that the law is violated in that way, and there are witnesses from Greenock to speak to that. There is a practice also which exists of grocers whose premises are contiguous to a close or lane selling in small bottles, and the purchaser going out to the close and consuming the drink. I have known in Greenock a licensed grocer selling a pint bottle of beer and spirits to be consumed in the close next to the premises. I have also known the back premises of a grocer (not in Greenock)—a paved court apart from the licensed premises—being used for the same purpose.

4143. *Sheriff Crichton*.—Were the spirits carried out in a bottle?—The spirits were carried out in a bottle.

4144. *The Chairman*.—You have taken a personal interest in this matter?—I have.

4145. Is it your opinion that the facility afforded for the sale of drink in small quantities by the present law has a bad effect in enabling people to get drink just as they would do at a publichouse?—The grocer's licence, to my mind, is worse than a publichouse licence, because families will go to the grocer's who would never think of going to a publichouse.

4146. *Mr M'Lagan*.—Do you know of such cases?—I do.

4147. *The Chairman*.—Have you considered the subject in this light,—that there is a monopoly placed in the hands of a small number of one trade by this restriction of the magistrates keeping down the number of licensed houses?—No doubt there is monopoly created; but I think that, in the interests of morality, and for the general good of the public, the two trades—the trade in groceries and the trade in wines, spirits, and beer—should be entirely separated the one from the other; that if it is to be a publichouse good and well, and if it is to be a grocer's shop let the licence be done away with.

4148. Have you considered how a separation can be made without injustice to those who have held a licence, as Mr M'Culloch has stated, from father to son for a number of years?—I have not. I look upon the licence as being granted only from year to year; as the lord provost of Glasgow stated yesterday, I do not look upon them as vested interests at all.

4149. But some of the licensed grocers in Greenock have spent considerable sums of money, I suppose, in preparing their premises for both kinds of trade?—I do not think so. They would have been put to the same expense in fitting up their shop for groceries as for a licensed place.

4150. *Mr M'Lagan*.—I think you have experience of licensed grocers both in town and country?—Yes. GLASGOW.

4151. Supposing that a law were passed to take away the licence from grocers, and to give the licence to an independent person to sell ale, spirits, and porter to be consumed off the premises, how would you do in a country place where there is perhaps at present only one licensed grocer and twenty or thirty houses altogether?—Well, if the licences are to exist at all, I would convert the licensed grocer into a publichouse. Let the party choose whether he would take a publichouse and give up the shop, or continue the groceries and do away with the spirits, beer, porter, and ale. Robert Watson
Chalmers.

4152. It would not meet your view to allow the grocer to keep his licence but for a separate house?—That might do, provided the licensed house was a considerable distance from the other.

4153. Where there is no communication, would you not have them combined?—No I would not.

4154. But by splitting up the two trades would not considerable expense be entailed upon the man in carrying on the business?—No doubt there would.

4155. And perhaps the consequence might be to do away with the grocer altogether?—The licensed grocer, that is to say.

4156. Even the ordinary grocer?—I think that in a community consisting of thirty or forty houses there would be sufficient business for an ordinary grocer.

4157. I daresay you are aware that there are in the country grocers who sell bread and groceries and shoes and everything of that sort?—I am.

4158. And have licences also?—Well, I do not know any licensed grocers who sell shoes, but I know them who deal in all the other things.

4159. Everything almost that is necessary, then, except shoes?—Yes, I am aware of that.

4160. And you think if you took away the licence from that man that he would still be able to carry on a trade?—I think so.

4161. In a small village?—It is small villages I am referring to just now. I have one particularly in my mind.

4162. *The Chairman*.—Are you speaking on behalf of any association?—No. I am connected with an association; but I am here to-day to give my own independent testimony.

4163. Is there an association for the purpose of endeavouring to reduce the number of licences in Greenock?—There is no such association.

4164. Or committee?—There is no doubt the Temperance Association and the Good Templars Association.

4165. Have they or any other body organised evidence to come before us here?—I have taken a little to do with it, and one or two more have, but as individuals merely.

4166. Have you taken an interest generally in the reduction of the liquor traffic?—I should be glad to see the whole drink traffic suppressed.

4167. So that what you have said to-day is, of course, in that direction?—No doubt it is.

4168. And is directed against a branch of the traffic?—Yes, that is simply a branch of the trade, and to my mind a very bad branch.

4169. *Mr M'Lagan*.—I understand that you want to do away with grocers' licences altogether, and not to increase the licences for selling spirits in the district?—It is not for me to dictate, but I should like to see the whole traffic in liquors done away with.

4170. Your principal object, however, in advocating the abolition of grocers' licences is to reduce the number of licences generally?—And to do away with having the two trades mixed up the one with the other,—the groceries and the drink.

4171. But to reduce the number of licences generally?—No; that is not particularly my tendency just now.

4172. *Mr Campbell Swinton*.—Apart from doing away with the drink traffic altogether, you think it is better that people who want spirits should get them

GLASGOW. in a publichouse rather than at the grocer's shop?—
I do.

W. D. Hodge. 110. Mr WM. D. HODGE, Boiler-maker, Greenock,
examined.

4173. *The Chairman*.—I understand you come to speak about a particular abuse which you have observed in the licensed grocery trade?—Yes. The case I refer to occurred in Glasgow before I went to live in Greenock. At that time I was considered a moderate drinker,—took liquor when I could get the opportunity. The breach of certificate took place in a shop situated in Eglinton Street, and I was working in Eglinton Street at the time.

4174. In what year was it?—In 1861. Before 6 o'clock in the morning—I believe as early as 5 o'clock—that place was open, and we used to go in and get spirits, which we drank at the counter.

4175. That was quite right as far as the law went: it was perfectly lawful for them to be open then, because the Act limiting the hours of opening was not passed till 1862. Have you any case since then?—No; that was the case I was particularly going to speak to.

Angus Cook. 111. Mr ANGUS COOK, Chain-maker, Greenock,
examined.

4176. *The Chairman*.—What have you seen in the way of evasion of the law.—The first case I would speak to was that in which a landlady with whom I was staying went to a grocer's shop for a drop of spirits to me.

4177. When was this?—In 1865.

4178. Who sent her?—I sent her. She was getting some other things for me as well.

4179. *Sheriff Crichton*.—Was this in Glasgow?—Yes, in Glasgow. She got the things, and when I came to pay her afterwards I found that the spirits were not down as spirits. They were entered as cash or goods; I do not recollect the exact words.

4180. *The Chairman*.—Was that in your bill or the landlady's?—In my bill, which came through the landlady.

4181. That would lead you to suppose it was the custom of the grocer so to enter things?—It did afterwards when I came to think of it.

4182. Is that the only case you know of?—No; there was another case when I got spirits personally about 7 o'clock in the morning. That would be in 1866, and was also in Glasgow. There were three of us, two farmers and myself, went into a grocer's shop, and, passing through to the back got a glass of whisky each.

4183. Is it within your knowledge that any grocers are in the habit of selling liquor out of hours?—It is not within my personal knowledge; that is the only time I ever went, and I got it. I never inquired further into the matter.

R. Campbell. 112. Mr ROBT. CAMPBELL, Carpenter, Greenock,
examined.

4184. *The Chairman*.—You propose to speak to the common practice of licensed grocers entering goods instead of drink in their customers' pass-books. You were at one time, I am told, an assistant to a licensed grocer?—Yes, and it is to that licensed grocer I should speak, and not to licensed grocers generally. The violations of the law to which I allude took place about fifteen years ago; I am not sure of the year. At that time licensed grocers were allowed to open at 6 in the morning, and I remember being censured for not going out to watch the policeman. The Belfast boat and

other steamers came in at the quay close by, and there was a passage from the back of the shop down to the quay, up which the labourers and others engaged at the quay used to come between 6 and 8 o'clock in the morning and get drink in the back shop. They drank it in the shop.

4185. You say this was fifteen years ago?—Yes.

4186. Then that was after 1862?—It was in 1863, I think.

4187. The evasion of the law was that they drank on the premises?—Yes.

4188. *Sheriff Crichton*.—Are you sure it was in 1863?—It was when they were allowed to sell at 6 o'clock in the morning, but not to consume on the premises. Some time after I was there the policeman had spoken to him and cautioned him, and he stopped giving drink to be consumed on the premises. After that he gave it in bottles, and the parties took it out to the back door and stood in the passage and drank it. Sometimes they got a glass with them to divide it, and they would come in again and leave the bottle. I have marked in the book provisions often instead of drink. I never marked drink in the books; I was told by him never to mark it. It was not to every one of his customers that he would do that.

4189. Up to what time were you an assistant to a licensed grocer?—I was about two or three years with that licensed grocer.

4190. And it will be thirteen or fourteen years since you left?—About thirteen years.

4191. Have you any knowledge of the business since that time?—Yes, I was in a grocer's shop after that—not a licensed grocer's—for about two years.

4192. At the time you were with the licensed grocer, did many women get spirits from him?—Yes, and there were some who came with books.

4193. Do you know the reason why he told you to mark down provisions instead of spirits in the books. I never thought about the reason until I heard about this Commission, and then it struck me that the law might have prevented him getting his money, because he was often at the court with some of his customers.

113. Mr JAMES CLARK, Weigher, Greenock, examined.

4194. *The Chairman*.—You were formerly an assistant to a licensed grocer: how long ago is that?—I was an assistant to a licensed grocer from 1864 to 1869.

4195. During that time were you aware of liquors being entered in pass-books by other names?—Yes; we entered it as 'goods' and 'sundries.'

4196. Had you to do that yourself?—It was the use and wont when I went there, and I followed it out.

4197. But you have done it yourself?—Yes.

4198. Do you know the object of doing that? Was it done to all the customers?—No; only to some of them.

4199. Can you remember any case in which there was a particular reason for it?—In one case we sued the party for the debt, and we had sundries in the account; and when we had to give a detailed statement we had to enter soap, and what not, instead of liquor.

4200. Do you know whether in that case the goods had been got without the knowledge of the husband?—I think they were got without the knowledge of the husband; and that was the reason they were so long of being paid.

4201. Did he dispute the items?—No.

4202. But that was the practice at that establishment?—Yes, that was the practice.

4203. Did you see any cases of liquor consumed on the premises?—Yes, I have seen several cases of that.

4204. Several cases during your service with that party?—Yes. We had a back shop, and they used to go there repeatedly.

4205. Did they sit down?—Yes, they would sit down.

4206. Has that shop the licence now?—No.

Mr W. D. Hodge (110), re-examined.

4207. *The Chairman*.—You are interested in temperance, I suppose?—Yes.

4208. And you are a member of a society?—I became a total abstainer in 1870.

4209. Are we to understand that you have come to give evidence from a general dislike to the liquor traffic, because we are inquiring into a branch of it?—I came here because I consider the grocer's licence the worst kind of licence. I cannot give any direct case of the evil arising from them, but I know a man who has suffered through his wife's intemperance, which I believe is largely occasioned by the facility with which she gets the drink at the grocer's. She and her husband and the grown-up members of the family are members of a Christian church. She gets drink in this licensed grocer's quite convenient to her own house; she never requires to go out of the close to get it, as the shop has a back door opening into the close. Her husband has done all he could to get her to give up taking goods in that shop, but the people have the soft side of her, and she continues to go, and that family is made miserable through the existence of that licence there.

4210. *Sheriff Crichton*.—That is in Greenock?—Yes. I tried to get the husband to come and give his evidence, but he felt so much that he would not.

4211. Has this place ever been brought under the notice of the magistrates and police?—Not by me.

4212. *Mr M'Lagan*.—Did she drink on the premises?—She took it home and drank it in the house.

4213. If she could not get drink at that shop would she not go to a publichouse?—I do not consider that she would; she's not so far down yet. She may through time; but she has the means of getting it in that shop without exposing herself to the world.

4214. *The Chairman*.—Is the society with which you are connected a very large one?—Which society.

4215. The Temperance Society?—I could not exactly say.

4216. Is there a great number of men in Greenock joined together in temperance societies?—Yes, there are a good many.

4217. You have no idea how many?—I should say some thousands.

4218. *Mr Campbell Swinton*.—And is the number increasing?—Oh yes. I think I am safe in saying there will be 3000 people connected with the different branches of the temperance movement in Greenock. I have had no dealings latterly with licensed grocers in Greenock. After I became an abstainer I considered it was my duty not to put any of my earnings in a place where there was drink sold.

4219. *The Chairman*.—If there are so many people members of temperance societies that would partly account for so many grocers being able to carry on a profitable trade although they do not sell drink?—Yes. I know three young lads, all pledged abstainers, who within the past seven or nine months have begun business as grocers in Greenock, and they are doing well.

4220. I do not know that you understand what I mean: we find in many places that unlicensed grocers say they can hardly live owing to the competition of the licensed grocers,—that people go in preference to shops where they can get their drink as well as their food; but if there are so many as several thousand men in Greenock who are confirmed abstainers, and deal in preference with unlicensed grocers, that would account for the unlicensed grocers being able to hold their own?—The unlicensed grocers can always get a respectable living if they keep a good article. Some may go down, but if they do it is through keeping inferior goods. A respectable man in a good position will not go to a shop where bad goods are kept if he has money to pay for a good article. It has been remarked that where a licensed grocer came into a locality where there was an unlicensed one, the licensed one did away with the other. I always accounted for that in this way: where a female is addicted to drink undoubtedly she will go to the shop for her groceries where she can get drink,—the means of her special gratification. We know that

amongst the female population drinking exists to as great an extent as amongst the male population,—at least I believe so, although it is not so visible perhaps. GLASGOW.
W. D. Hodge.

4221. Have you reason to believe that it is on the increase amongst the female population?—I believe it is on the increase amongst the female population of the working-class,—both in the lower and what I would call the respectable class of working people. I have come a good deal into contact with people in the way of visitation, and I have witnessed the evil effects of drink amongst the female population.

4222. And it is your opinion that if drink was only sold in houses for that purpose alone, a great many who now take drink would not go there?—They would not go.

4223. (*To Messrs Cook, Campbell, and Clark*).—Do you agree with what Mr Hodge has said?—Yes.

4224. *Mr M'Lagan (To Mr Hodge)*.—Are you aware of any evasion of the law in the shop to which you say that drunken woman went?—I can't say how things are marked in the book. I never saw the book.

4225. Did you ever hear of any one having drink in that shop?—No.

4226. I think you said the man warned his wife not to go back to the shop: did he warn the grocer not to give drink to his wife?—I don't know.

4227. Perhaps he may be a respectable grocer, and would have stopped at once?—He asked both my wife and I to expostulate with his wife, and we did so, but did not succeed in getting her to amend. I hope it will be understood that I do not come here to represent any society in Greenock, although I do belong to a society.

4228. With regard to the case you referred to at the beginning of your evidence, did you say you consumed the drink on the premises?—Yes, at the counter.

4229. *The Chairman*.—Then it was a breach of the law. I thought the point you wished to make was that it was a case of selling drink during prohibited hours. Of course it was quite legal to sell drink at 6 o'clock in the morning in 1861, but it was against the law to sell it to be consumed on the premises, and in regard to that your evidence is quite good.—My reason for thinking I was right in the case I instanced was that, when I asked the man who took me to the shop in question how the party had a privilege which others had not, he replied—'Oh, she's a sister of the captain of police.'

114. Captain ORR, Greenock, examined.

Captain Orr.

4230. *The Chairman*.—You are captain of the police in Greenock?—I am.

4231. How long have you held that office?—For one year.

4232. We have had from the depute-sheriff-clerk the number of licensed houses in Greenock: did you hear his evidence?—I did not.

4233. There are 9 hotels, 193 publichouses, and 39 licensed grocers in Greenock?—That is correct.

4234. Can you tell us if that number has increased or diminished of late years?—There has been an increase of 14 in the number of grocers' licences in the course of twelve or thirteen years.

4235. Has the number of publichouses increased or diminished?—Publichouses have not increased in number in the same ratio; in fact, there has been very little increase on them at all.

4236. The magistrates, we understand, give as few new licences as possible?—As few as possible, and in that way the number of licensed houses in proportion to the population is being reduced, because the population is increasing very rapidly.

4237. What has been the increase in the population?—In round numbers about 10,000 in ten years.

4238. Do the magistrates grant new grocers' licences more readily than publichouse licences?—They do not; they have a decided objection to granting new licences to

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grocers' unless in special cases. There was one granted about a year ago on the Gourrock road; there was no publichouse or place for the sale of liquor within about half a mile, and the magistrates granted the licence, as that was a special case.

4239. Did the magistrates think it better to grant a grocer's licence instead of a publichouse licence?—There was no publichouse licence asked for. There was a petition by the inhabitants in favour of the applicant—the widow of a sea-captain—that she should be allowed to sell beer and porter for their convenience, and it was in consideration of that and other circumstances that the licence was granted.

4240. But is it the feeling of the magistrates that grocers' licences are more desirable than publichouse licences?—Not at all. There is a general opinion entertained amongst applicants that by getting a beer and porter or grocers' licence it is the thin end of the wedge towards getting a publichouse licence.

4241. Is it the opinion of the magistrates that grocers' licences are less objectionable than publichouse licences?—No; they think grocers' licences are more objectionable.

4242. Why?—Because they consider that grocers' licences offer too great facilities for getting drink by women. A few of the grocers have back doors to their shops, and those who reside on the premises, it is considered, might be tempted to sell groceries on Sunday to parties who forgot to procure them on Saturday night, and the whisky cask being close by, the parties might be induced to get liquor at the same time. Out of the whole of the licensed grocers in Greenock, however, only three reside on the premises, and only a few really have back doors. I ought to explain with regard to the 39 grocers' licences in Greenock, that seven of them are held by dealers in ship stores,—that is people who do not retail any groceries at all, but supply ships with everything that is required in the way of eatables and liquor; while there are nine who hold grocers' licences but who do not sell groceries, being really wholesale and retail dealers in liquor not to be consumed on the premises, so that there are only 23 who actually deal in groceries and liquor.

4243. *Mr M'Lagan*.—And some of these sell only ale and beer?—Yes, seven.

4244. Do those wholesale grocers or dealers who have grocers' licences, sell eatables also?—No.

4245. *Mr Ferguson*.—Are those wine merchants?—The seven I spoke of, who sell liquors of all kinds, in addition to wine, beer, and porter, supply eatables and all sorts of things, but it is more of a wholesale business.

4246. *Mr M'Lagan*.—Not the nine?—No; the nine are simply dealers in spirits not to be consumed on the premises. The premises of the other seven are more like wholesale stores rather than grocery establishments.

4247. Suppose I was to go into one of these wholesale places to buy some spirits or wine, and they allowed me to taste a glass of it, and you were passing, would you call that an evasion of the law?—Not the spirit of the law; although I have been reading lately that the legality of that is called in question. I have bought wine in a wholesale merchant's place, and have tasted it, and I would not consider that against the spirit of the law as it now stands.

4248. At the same time it gives an opportunity for evasion?—Of course it does.

4249. *Mr Campbell Swinton*.—Every one who wanted a dram might say he wanted it as a sample?—I do not think the wholesale spirit merchants would be inclined to grant that; they want money for money's worth, and do not, as a rule, give it away gratuitously.

4250. If his licence was only to consume off the premises, it would be equally illegal whether he gave it away or sold it?—Quite so, according to the letter of the Act, but not, I think, according to the spirit of it.

4251. *The Chairman*.—Can you tell us if the magistrates would refuse a new licence to a grocer, even if one of a very respectable class were to apply?—As I said before, it is only in very exceptional cases that they will grant a licence at all. They are decidedly against the granting of any new licences.

4252. But this restricting of licences so far does give

a great advantage in their business to those who hold them?—Yes, as is evidenced almost every other day in the licensing court. I have to report on proposed sales and transfers, and I find that the price of the good-will of publichouses has increased enormously during the last year or two owing to this restriction. Publichouses, the good-will of which in 1867 might be £200, would now be £500, in consequence of the difficulty in getting new licences.

4253. As regards grocers, *Mr M'Culloch* told us that the prices of good-will had been very small; but that there had been only small houses transferred?—Yes, of grocers.

4254. But you think the price of good-will would be very much on a par with publichouses if a large business came to be transferred?—No, not at all. A publichouse, the good-will of which we sell for £600, would have a rent of about £60; while the grocers' establishments that are transferred vary in rental from £20 to £30, perhaps £25 on an average.

4255. But you have not had instances of grocers in a large way of business transferring their licences?—No. Most of the businesses in Greenock are old and extremely well-conducted. There are only two licensed grocers in the eastern part of the town, with a population of about 15,000, out of the entire population of 68,000; and yet crime is increasing so much that we had to get a clause in the new Police Bill to enable us to build a police station in that district.

4256. *Mr Ferguson*.—And *Mr M'Culloch* mentioned that they are only ale and porter licences?—Yes, and they are only ale and porter licences.

4257. *The Chairman*.—The objection of the magistrates to grant any more grocers' licences is not founded on the mischief they found to arise from them?—No, but public opinion is decidedly against the granting of them in Greenock.

4258. What is that public opinion founded on?—I think more on rumour than anything else. During the twelve months I have been in Greenock I have given great attention to that question, and I have been unable to find out a single case I could prosecute. This week I visited every one of the licensed grocers' houses in the town without giving them any warning, and I found no indication of drinking going on. The greater number of the licensed grocers in Greenock are very respectable, and their business is mostly in supplying families.

4259. You have in Greenock some persons holding grocers' licences who are not grocers?—Yes, nine.

4260. Do you think the objection to grocers' licences in general applies to that kind of business as much?—The only thing is, that the police have not that supervision of those holding grocers' licences which they ought to have, and which they have over publichouses. The holders of such licences might have opportunities of trading in a way that the regular publican would not attempt.

4261. Would it be possible to exercise the same supervision over a grocer who holds a licence as over a publichouse?—Quite as easy; I do not see any difficulty in the matter at all.

4262. Would a policeman not have to step into a shop where people had gone to buy tea and sugar every now and then to see what was going on?—I think they would be able to see much more readily than in a publichouse, because there are no closed places like what there are in publichouses, with the exception of the place where the grocer keeps his books, which, as a rule, is partly enclosed. I saw no places where drinking could go on in the houses I visited.

4263. In some of them would there be a cask in the shop for filling bottles?—Oh, yes, that is generally the case.

4264. And would it not be easy to give a glass of spirits across the counter?—Shops have now mostly all large plate-glass windows, and I think if there was anything of that sort it would be easily seen from the outside.

4265. These are large shops?—Yes. There are only three objectionable licensed grocers in Greenock, and they live on the premises.

4266. *Mr Ferguson*.—In the case of these three, have you any knowledge of evasions of the law by drinking

on the premises?—None whatever; but they have a small trade and might be induced to sell after hours. The rentals of the licensed grocers premises are as follows:—9 under £20; 9 from £20 and under £30; 2 from £30 and under £40; 5 from £40 and under £50; and above £50, 14. I think if £25 was fixed as a minimum rent for a licensed grocer it would have a salutary effect in checking any attempt to evade the law, together with police supervision.

4267. Do you know of any cases of fictitious entries by grocers supplying liquor to women to be consumed at home?—None. I have merely heard the rumours prevalent all over the country, such as have been expressed before this Commission.

4268. *The Chairman*.—Your idea is that this should be made rather a close trade; that the licences should be very few and only given to large houses?—Yes; and that the law should be made stringent, and the money penalty for violation heavy.

4269. You think there should be no small class of licensed grocers?—These are, I think, the objectionable houses; having small businesses, the proprietors of such places may be induced to sell on Sundays and at untimely hours in order to make a living.

4270. *Mr Campbell Swinton*.—You would rather impose the restrictions you have mentioned than separate the trades?—Yes, I think that having the trades together when the business is well conducted is very convenient for the better class of people.

4271. Would you make any alteration in regard to the hours?—I was about to suggest that the hours should not be more than from 8 A.M. to 8 P.M., with the exception of Saturdays, when they might be allowed to remain open till 10 P.M. I would also recommend that there should be no liquor sold in open vessels; that it should be restricted to sealed bottles of half pint, pint, and quart. I have given the matter a good deal of consideration, and that is the conclusion I have come to.

4272. Did you say sealed bottles?—Yes; half pint, pint and quart.

4273. By sealed bottles do you mean that the wax should be turned over on the bottle so that they could not be opened without breaking the wax?—Yes, so that the cork could not be extracted without its being known.

4274. *The Chairman*.—Have you considered that by the magistrates restricting the number of licensed houses they are dispensing a very valuable privilege to a limited number of individuals, and that that is very apt to operate unfairly?—It may operate unfairly, but at the same time by keeping the trade respectable, and making it worth having, you get a better class to follow it, and thereby become a benefit to the public at large.

4275. But how is that choice of persons to be made? Who are to have this valuable privilege, which can be bought and sold for a great deal of money? Is there not always a risk of improper influences being brought to bear on the licensing authority?—I scarcely think the magistrates of Greenock would condescend to be influenced by any outside view except that of their constituents generally, and the good of the community as a whole, and as public opinion is against the number of grocers' licences being increased, they accordingly refuse to grant any additional only in exceptional circumstances.

4276. Have you never known of private appeals—I do not mean pecuniary appeals—being made to the magistrates to give a licence to somebody or other?—I am convinced that is done in counties, and also in burghs, in fact all over the country, but the practice is wrong.

4277. The system you propose really amounts to this, does it not, that it just rests with the discretion of the licensing body to put a great deal of money into the pocket of a tradesman or to withhold it?—There is no doubt it would have that effect in the long run, but the result is doing a little harm in order to do a great deal of good.

4278. *Mr McLagan*.—Can you tell us the number of unlicensed grocers in Greenock?—I estimate that there are only 23 licensed grocers,—leaving out those who deal in ship stores and those who sell in large quantities—

and if you multiply that it gives 230, and I think the unlicensed grocers are to the licensed grocers as 10 to 1.

4279. The unlicensed grocers are a thriving body, are they not?—I am unable to answer that question; they seem to be so, in the better parts of the town.

4280. Is it your opinion that grocers thrive quite well in Greenock even although they do not have a licence?—They seem to thrive in the better portions of the town. In the eastern part of the town there are some hucksters who sell groceries who can't make much of it.

4281. Suppose the licences were taken from the licensed grocers, do you think they would be obliged to give up business?—Speaking generally I do not think they would have to give up business, but in some cases their profits would be much smaller.

4282. In which cases?—Those of the lower class, with rents under £25; they do more by selling liquor than by dealing in groceries. In the better parts of the town I think it is perhaps the other way.

4283. Where are those situated who you think would have to give up business?—In the poorer parts of the town.

4284. *Sheriff Crichton*.—You have not been long in Greenock, but during your stay there have you formed any idea as to whether the police are treated?—I do not believe it is done; I believe it is quite a myth. If it is done it is my duty to find it out, and I don't think it is done at all. There is one point I wish to mention, and that is that I think it would be a good thing if children under fourteen years of age were not allowed to enter a publichouse unless accompanied by a grown-up person, and also that it should be illegal to supply spirits either in a grocery or spirit shop to children under age, either to take away or to be consumed. At present they are not allowed to get it to consume it, but they are allowed to get it as messengers. Children seeing their parents drinking liquor in large quantities at home may have tasted it, and once having got a taste for it they may continue to take it. We have had cases before our court of precocious children; and I quite believe they are capable of drinking liquor for which they might be sent. I think if the law was extended so as not to allow them to get liquor even as messengers it would be an important object gained.

115. *Mr ARCHIBALD BELL*, examined.

Arch. Bell.

4285. *The Chairman*.—You are a sheriff-officer in Port-Glasgow?—I am.

4286. Besides being sheriff-officer, you are School Board officer?—Yes.

4287. You were formerly assistant to a licensed grocer?—Yes.

4288. For how many years?—To the person I refer to I was assistant, I think, for two or three years. It is more than twenty years ago.

4289. Would that be as long ago as 1853?—It was in 1852 and 1853, I think.

4290. At that time drinking on the premises was lawful; it was only the Act of 1853 that prohibited it, and that Act did not come into force until 1854?—Yes; but the cases I wish to refer to are recent.

4291. Are you aware in recent times of cases of evasion of the law by licensed grocers?—I am.

4292. What kind of evasions?—Drinking spirits, porters, and ales on the premises.

4293. Are these cases within your own knowledge?—Yes, within my own experience.

4294. Is there more than one dealer that does that?—Yes.

4295. Do you mean, when you say experience, that you were an eye-witness?—I have partaken of it myself within the last five years, and I know parties who visit these dealers daily.

4296. You propose to speak to some of the reasons for the large non-attendance of children at school; what do you say about that?—In my experience in visiting the houses of defaulting parents, I find invariably the fact that one or other of the parents is intemperate, and that where the mother is so the chil-

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dren are almost entirely neglected, and the father has to attend to his work. In several instances I have drawn the attention of the police and of our Board to the fact that children under thirteen years of age were being supplied during school hours with spirits. No action was taken in the matter; they seemed to be waiting for a decision in the Court of Session.

4297. Do you mean that they were being supplied as messengers?—I could not say, but I found them in these houses with the article in their possession.

4298. You considered it a very great pity that they should get it from any source?—Yes.

4299. Do you think there would be harm if grocers were allowed to sell spirits in quantities not less than a quart in a sealed bottle?—My experience is that the grocers are the worst to deal in spirits of the two. I have seen books, so late as within two years, where, out of a sum not exceeding 40s., 17s. was taken off that amount for drink.

4300. Was that in the Sheriff Court?—It was in the justice of peace court in Port-Glasgow. I have seen in Greenock, before Sheriff Smith, out of an account of £10, £3 odds taken off for drink; and I know that families who go to these shops are intemperate, and that their children become intemperate. I know also that in the same street to which I refer, a very singular matter, where a grocer has the licence, but does not sell one particle of groceries. How he manages to sub-sist I know not.

4301. *Mr M'Lagan*.—Does he keep groceries?—Not a particle.

4302. *The Chairman*.—He is not bound under the law to sell anything but drink?—He has a grocer's licence.

4303. *Mr M'Lagan*.—In what part of the town does he reside?—In the centre part.

4304. Is it a large shop?—Yes.

4305. Is he a wholesale dealer?—He is not; he is a retail dealer. He owns several places in Greenock.

4306. *The Chairman*.—Are there a great many small licensed grocers in Port-Glasgow. I think there are nine.

4307. Is there anything else you would wish to state?—No, except to remark as a general matter that we have a very intemperate locality.

4308. *Mr M'Lagan*.—Does that gentleman who has the grocer's licence, but sells no groceries, sell a great deal in small quantities?—I presume he must.

4309. *Sheriff Crichton*.—What are the places he owns in Greenock?—Spirit shops—publichouse licences.

4310. *The Chairman*.—What is the name of your superintendent of police in Port-Glasgow?—James Sloan.

—No, the grocers' licences have been increased by three.

4319. *Mr Ferguson*.—How have the publichouses been decreased?—They have been taken away.

3320. What was the number in 1863?—94.

4321. That is a reduction of six?—Yes.

4322. *The Chairman*.—What do you find to be the result of the grocers' licences,—are the houses generally well conducted?—They have not been very well conducted in so far as consuming upon the premises is concerned, but the justices have acted very firmly by sweeping away the licence in cases where there was only one conviction.

4323. Have there been many convictions of late years?—Since 1863, there have been sixteen grocers convicted.

4324. *Mr Ferguson*.—Did all these lose their licences?—No, they did not.

4325. Do the justices take away the licence whenever they find a breach of certificate?—As a rule they do.

4326.—How many were forfeited?—For selling drink to be consumed on the premises, I think there would be five, but I would not be positive.

4327.—My object was to find out how many additional licences had been granted, as there is an increase of three; that would be an increase of eight? Yes. It is eight new licences granted, but only an increase of three on the existing number of licences.

4328. *Sheriff Crichton*.—What were the convictions for?—Eleven cases were for consuming on the premises, and five for selling after hours.

4329. *The Chairman*.—What is your opinion of the system? Do you think that the union of the grocery and liquor trades is a good system?—I can only agree with what has been said before; I think it might be improved by causing the grocer to sell nothing less than a quart, and in a sealed bottle.

4330. Do you think that the holding of licences by grocers increases the use of spirits?—It gives an opportunity to parties, such as workmen's wives, to get spirits marked into their books when getting goods of some other description.

4331. Is that an opinion derived from your experience?—No case has come under my observation.

4332. It is rather a theoretical opinion, is it not?—It has been said to me by so many who actually know it, that I can hardly say it is theoretical.

4333. Have you heard it from any working men?—No.

4334. What sort of authority would you say you had for it?—I have heard it from those who have heard it from working men, but I have not heard it from the working men themselves.

4335. Do you think there is much evasion of the law by grocers that is not detected?—I believe there is.

4336. Do your officers think there is an irregularity?—Yes, I am satisfied there is; but my observation does not apply to all grocers. We have in the county very respectable grocers who would not evade the law.

4337. It would not be universally true, but you refer to some dealers in the country?—I do refer to some of the dealers in the country, but they are very few.

4338. How would you like to see the law strengthened so as to prevent such evasions?—I mentioned before that I would not admit a grocer to sell less than a quart bottle, and to have it sealed; and I would not permit him to open before eight o'clock in the morning, nor keep later open than ten o'clock at night. I should not give a constable the power to inspect the grocer's premises—that might be offensive—but I would give a sergeant of police or an inspector the same power to inspect the grocer's premises that they have to inspect publichouses.

4339. But would it not take away a good deal of the grocer's business if he was not to sell less than a quart?—I believe it would.

4340. That selling in small quantities would be handed over to the publichouse, would it not?—It would.

4341. Have the offences connected with drunkenness been on the increase or decrease in your county?—They have not been uniform; they decreased, and of late they are coming to be on the increase.

J. Jenkins.

116. Mr JOSEPH JENKINS, examined.

4311. *The Chairman*.—You are chief constable of Dumbartonshire?—I am.

4312. How long have you been chief constable of the county?—Eighteen years.

4313. How many licensed houses are there in the county?—In the year 1876 there were 130; 12 hotels, 88 publichouses, 3 porter and ale licences, and 27 grocer's, inclusive of the burghs of Helensburgh and Kirkintilloch, but exclusive of the burgh of Dumbarton.

4314. And the population is about 42,000, is it not?—It is much more now. It will be nearly 50,000 now I presume. Last census it was about 47,000, I think.

4315. Are the magistrates desirous of keeping down the number of grocers' licences?—They are desirous of keeping down the number of licensed houses.

4316. But have they been more or less easy in consenting to give grocers' or publichouse licences?—I cannot say that they have. There is only an increase of three grocers' licences since 1863.

4317. I suppose the action of the justices is not uniform; in some parts of the county they give more than others?—They are very uniform; the publichouses have been reduced considerably.

4318. Do you mean of all kinds of licensed houses?

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4342. Have you been able to connect any cases of drunkenness with the sale of drink by grocers,—family drinking?—No.

4343. Do you think it is the practice among the working people in your county to buy liquor on Saturday night for use on Sunday?—Yes, they do.

4344. That is a pretty common thing, is it?—Yes, in several parts of the county.

4345. Is it common in manufacturing parts?—Yes, and in mining districts.

4346. The grocer is the convenient dealer for that want, is he not?—I refer mostly to villages, where they can find it in the publichouses as well.

4347. What I want to get at particularly is—as you appear to have an objection to the grocer's licence—whether you connect any bad habits with their exercise?—With the exception of selling to be consumed on the premises, and having facilities of opening before the publicans do, and that it is giving an opportunity to drink, which people would not have otherwise, I do not.

4348. If the law was strengthened do you think that the system would work well enough?—It would be improved at least.

4349. *Mr Ferguson*.—Have you any experience of them supplying women with drink and then having it put down as groceries?—As I have already said, that has not come personally under my observation, but I have been informed by most respectable parties, and I cannot doubt that such a practice does exist.

4350. *Mr M'Lagan*.—Why do you advocate the selling in quantities not less than a quart bottle?—By selling not less than a quart it would prevent its being consumed on the premises.

4351. *Mr Campbell Swinton*.—Don't you think that they would knock the neck of the bottle off and drink it?—I don't think there is much chance of that.

4352. Would it not be another evil, that two men might buy a quart bottle, take it home and have a booze?—Yes, but even then I don't see that that would be an evil; if it was consumed they would not have the same facility for getting more. If they got a gill they might go and get a little more, and they would think a little before they purchased another bottle.

4353. Take the case of a poor family, for some member of whom the doctor prescribes a little brandy as medicine, do you think they should go to the public-house?—That would be a hardship where a licensed grocer is near, and a publichouse or hotel distant.

4354. *Sheriff Crichton*.—Do many of the grocers send out carts with their groceries?—Yes, a few,—four, I think, only from Helensburgh.

4355. Is there any hawking of spirits throughout the county?—I think, with the exception of one case in 1863, we have had only one connected with the county; we have had several tried from Paisley, but have been unsuccessful in getting a conviction.

4356. Did you get a conviction for hawking spirits?—For porter and ale.

4357. *Mr Ferguson*.—Do vans come from Paisley to the county?—Yes, from Renfrew, and from Glasgow.

117. Mr Bailie DUGALD CAMPBELL, examined.

4358. *The Chairman*.—You are one of the bailies of Greenock?—I was so for several years but am out of office at present.

4359. We have had pretty distinct official information from Greenock, and several have spoken to the abuse of the system. I believe you wish particularly to say something with regard to the results of grocers holding licences?—I don't know whether you have had any information about the rentals: I think you have not. There are 7 ships' stores merchants holding grocers' licences. There are 13 of the licensed grocers with rents of £50 and upwards, and going as high as £150. These, of course, are the respectable west end grocers and wholesale merchants who have grocers' licences. There are 9 who have shops with rents from £20 to £50; and there are 10 smaller ones, including the holders of porter and ale licences, who have shops with rents from

£14 to £20: in all, 39 grocers' licences. I heard the question put whether there were sometimes spirits supplied when goods were marked in pass-books. In the justice of peace court, where I have been more or less for five or six years, there have been only two cases brought before me. In one of these cases I adjourned the court for a week to get evidence, and the whole family was brought up. The wife was very unwilling to give evidence, but she was cited and came up and gave evidence that she really had been a party with this licensed grocer—who was a woman—to put down goods or bread in the pass-book instead of spirits. The husband was a respectable man, and complained of his wife getting spirits and marking them as bread. I brought the matter up in the licensing court, and the grocer was deprived of her licence. There were other complaints against her at the same time. In the other case the evidence was pretty clear, but not so satisfactory as to deprive the party of her licence. In both these cases the parties selling were women, and I sometimes think that the liquor trade is now such a dangerous one that only some male person should have charge of it; because women are more liable to grant facilities and put down 'bread' when spirits are supplied than a man, feeling some sense of responsibility, might be. I may say that the convictions which have taken place over ten years have been five, and they were all small shops—the smallest shops and in the lowest localities. I have noticed that when one conviction has been got against a person and a transfer of the licence made, the person who entered instead has been convicted also, showing that the locality and the kind of trade it had got into had led to the second conviction. In all the cases of conviction at Greenock the persons lived on the premises.

4360. What is your opinion of the trade itself: do you think that the union of the liquor trade and the grocery trade is objectionable?—In those small shops it is, but perhaps in the west end shops it is not so much ground for objection, except the unfairness to the grocers who are not licensed. Supposing there were 120 grocers in Greenock, and having a good reputation with good large shops, and only 18 or 20 of them licensed (because I keep out the ship stores), these 18 or 20 licensed grocers would have an advantage over the other 100 who are not licensed. That is, however, the only thing that I have anything to say against so far as the west end and larger shops are concerned, because I don't think they abuse it. I think there should be no liquor supplied from those shops in open vessels; parties who want it in open vessels can go to the publichouse; I think there is no hardship in that.

4361. Why is it in itself an evil that liquor should be sold in open vessels from the grocer when it can be got from the publican in that way?—Just the facility in the lower localities of sometimes putting down goods instead of spirits, because the habits of the people are such that wives perhaps wish to conceal from their husbands when they really do get spirits, and I think that the grocers are sometimes apt to be led into doing that, although they may really not make it a practice. There is also a risk of it being consumed on the premises in some cases—open vessels give facilities for this. I think it may often happen, although it does not come above board. I think there should be very strict supervision over all classes of houses, both the grocers and the spirit-dealers, and I think it would be a right thing to have special constables to watch licensed houses, because the greatest amount of the crime in Greenock arises through drunkenness, and I do think that the disreputable portion of those houses—because there are two portions of the trade—are not sufficiently watched; otherwise we would have more convictions—I refer to publichouses and the lower class of licensed grocers. With regard to hours, I do think that grocers should be put on the same footing as the publichouses at any rate. You do not take up the publichouses, else I should say that their hours should be restricted; but I think decidedly that the same supervision should be placed over the grocer as is over the publican, and that the hours should be the same. I wish to mention another matter, that is the great amount of drunken-

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ness on board the steamers, but there is no way of getting at that just now, owing to the limited nature of the inquiry. I may say that I got our chief constable—not the present one, but the previous chief constable—to have the Sunday steamer watched, and a great number came out drunk. If anything could be done to check the supply of drink, it would be a very great advantage to those localities at which it touches.

4362. *Sheriff Crichton*.—What licences do the steamers hold?—An ordinary publichouse licence, but without any police supervision.

W. Dalglissh.

118. Mr WILLIAM DALGLIESH, examined.

4363. *The Chairman*.—You are chief magistrate of Cumnock?—I am.

4364. Cumnock is a village in a mining district of something over 2000 inhabitants?—The town is about 3000, perhaps slightly increased since the last census.

4365. It has a populous district, chiefly mining, not far distant?—Yes, very populous.

4366. How many licensed houses are there?—In Cumnock we have 13, 4 holding the grocer's licence, 7 the publichouse licence, and 2 the hotel licence.

4367. And has that number been increased of late years?—No.

4368. The justices keep down the number as far as possible?—Yes, they have always done so in that locality.

4369. What view have the justices taken of the grocers' licences: do they keep them down as strictly as the publichouse ones?—A case came up at the last licensing court, and all the justices that were present condemned the system of grocers' licences entirely, and the consequence was that the one that was applied for was unanimously refused.

4370. When was that licensing court?—In May or April last.

4371. What were the grounds for that condemnation?—Simply because they look on it as a bad combination. Speaking personally, I think it is neither fair to the regular publican and hotel-keeper on the one hand nor to the unlicensed grocer on the other.

4372. You think it gives an advantage in the ordinary way of business to the licensed grocer?—Yes.

4373. Is that your own opinion?—Yes.

4374. *Mr Ferguson*.—Have you known it lead to other abuses?—No; the four licences that are held within the burgh are pretty well conducted. Although it is known that people who are taking drink at home send there for it when they would not like to send to a hotel, the houses themselves have been very fairly conducted.

4375. *The Chairman*.—But is it your belief that people drink, through being able to get the liquor at the grocer's, who would not do so if they had to send to the publichouse?—Yes; I think in some circumstances it would prevent them. They would not use it if they had to go to the publichouse for it. It is got there in a quiet way, and their going there does not lead to the belief that they are using it. Consequently I believe the grocer's shop is frequently resorted to instead of to the hotel.

4376. *Mr Campbell Swinton*.—Do you mean unknown to the members of their own families?—No, I refer more to the public. It would be a check upon them going to the publichouse, because they know that there is only spirits sold there, whereas if they go to the grocer's it creates the impression that they go for groceries or provisions.

4377. *The Chairman*.—On the other hand, some people look upon it as a convenience that they are able to get spirits at the same place as their groceries. A farmer wants to get a bottle or two in the house, and he wants some groceries: does he not find it a convenience to get them both at the same place?—Yes, but he would find it as convenient to get the spirits at the hotel or publichouse at which he puts up his horse and machine.

4378. Some people say that the whisky is better kept at the grocer's?—That is a thing that I can scarcely speak to from personal knowledge, but one reason that

has been given against the sale of it by grocers has been that it takes up so much of the trade that ought to go to the regular publican, that the regular publican is often obliged to sell inferior drink in order to make a living. The consequence is that our police constables state that they have seen men coming into the town who were perfectly sober, and that in the course of an hour they have met them mad with drink. They have been obliged to lock the men up, and when the men came to their senses they were astonished and seemed to have lost all recollection of what they had done. The constables attribute that to the quality of drink which had been sold.

4379. *Sheriff Crichton*.—Are there many unlicensed grocers in Cumnock?—There are a good many. I can give a statement for the seven parishes for which the justices grant licences, but I have no statement for Cumnock itself.

4380. Have you got the number of unlicensed grocers?—For the seven parishes there are 123, the licensed grocers being 14.

4381. What are the parishes?—Muirkirk, New Cumnock, Old Cumnock, Ochiltree, Auchinleck, Sorn, and Mauchline.

4382. In a number of those parishes there is a large mining population, is there not?—Yes, especially in Auchinleck, Muirkirk, Cumnock, and New Cumnock.

4383. In the parish of Sorn there is a large manufactory?—Yes.

4384. And in Mauchline there is a large manufactory in box-making?—Yes.

4385. *Mr Campbell Swinton*.—In those parishes where there are so many unlicensed grocers in comparison with the licensed grocers, is there a considerable number of publichouses?—The number of publichouses and hotels for this year will be 47 throughout the same locality.

4386. *The Chairman*.—It is suggested that a further restriction of selling spirits by licensed grocers and publicans might lead to more illicit selling than now exists: is that your opinion?—I don't think so.

4387. *Sheriff Crichton*.—Of these four grocers, have any of them their dwelling-houses attached to their shops?—Yes.

4388. How many?—Three.

4389. *Mr Campbell Swinton*.—Have you any opinion about the propriety of the dwelling-house and shop being apart?—I don't think in the present cases that there is any harm arising from it.

4390. *Mr Ferguson*.—Have you had any convictions for breach of grocers' certificate?—The only one was a fortnight ago—for selling after hours. The grocer's defence was that the spirits were bought before 11 o'clock but that a quarrel had turned up in the street, and he had shut the door taking with him the purchaser. The man had stayed inside talking with him, and he went out after 11, when the policeman got him. The justices convicted the grocer.

4391. Is that the only breach you have had for some time?—Yes. Throughout the seven parishes there have only been four convictions of grocers since 1863. I may state with regard to the selling of spirits in open vessels that, so far as the iron district is concerned, that is practised to a very large extent by grocers who hold the licence.

4392. *The Chairman*.—Do they send their children for it?—Yes; but a good deal of it is done by going to the stores, buying it, and taking it out in bottles, sometimes in jugs and bowls, and drinking it on the roadsides; and I believe it is a fact that in some cases when they take it in a bottle there is a regular charge of 1d. which is returned so soon as they bring the bottle back.

4393. *Sheriff Crichton*.—Is that done at stores?—In the neighbourhood of the stores.

4394. But do they get the spirits from the stores that are connected with public works?—Yes.

4395. *The Chairman*.—But these stores connected with public works do not belong to the owner of the works?—No, they are under the name of 'co-operative.' The premises are rented from the pit company.

4396. Is it a co-operative store, or is it rented by an individual? It is co-operative inasmuch as it is conducted

there by the company's men, and there is a certain amount allowed for rent and outlay and capital, and then there is a division of the profits at the end of the year. Everything that is sold is entered into a book, and the purchasers go back at the time of the dividend and receive whatever the poundage is, which usually amounts to about 1s. 8d. or 1s. 9d. or 1s. 10d.

4397. But do you say that at these co-operative stores the liquor is sold?—Yes.

4398. That is very unusual, we are told?—No, it is a common every day thing.

4399. *Mr Ferguson*.—We have been told to-day by *Mr Macdonald* that probably not one-half per cent. of the co-operative stores in Scotland have the licence.—These have it. In Auchinleck there are four licensed grocers; three are held by these co-operative stores in the company's premises, and one by a private individual.

4400. *Sheriff Crichton*.—And in those stores that belong to the company do they get drink in open vessels?—Yes, as much as they want. They carry it out in that way.

119. *Mr DANIEL M'BETH*, examined.

4401. *The Chairman*.—You are sheriff clerk of the county of Bute, and justice of peace clerk there?—I am.

4402. How many licensed houses are there in the Island of Bute?—Outwith the burgh of Rothesay there are only nine licensed places altogether—6 inns and hotels and 3 publichouses.

4403. How many grocers' licences are there?—None.

4404. Can you tell the number in Cumbræ?—4 inns and hotels, 3 publichouses, and 4 grocers.

4405. How many are there in Arran?—There are 11 inns and hotels and 1 publichouse, but no grocer.

4406. Have the justices of peace discountenanced grocers' licences?—No, I don't think they have. There have been no applications for grocers' licences; there has been no change in the Island of Bute since I became clerk to the justices, which is now twenty-seven years ago.

4407. Do the justices keep down the number of publichouses?—They do. In fact the applications are not made to them except in Cumbræ. Any applications from new applicants the justices as a rule refuse.

4408. What is your opinion of the working of the grocers' licences?—I think it has tended a good deal to the increase of drunkenness.

4409. Would you refer to Rothesay in saying so?—Yes, specially.

4410. How has it tended to the increase?—Because of the facility that is given for obtaining small quantities on credit where they are getting other articles necessary for family use.

4411. Do you think that is an opinion commonly held in Rothesay?—I think so.

4412. There has been a good deal of discussion of the question there?—Yes. Some years ago, when I was a magistrate myself, we shortened the hours. Everybody knows that we had a case in which we attempted to shorten the hours, and did shorten them for a period of time, and during that time there was a manifest difference in the number of cases before the police court.

4413. *Sheriff Crichton*.—What were the hours?—The publichouses were shut at 10 o'clock. That lasted for about nine months.

4414. During that time was there a manifest improvement in the habits of the people?—Yes. The superintendent of police informed me that his men could then get regularly home about 11 o'clock on a Saturday night, whereas when the hour of shutting is 11, they do not get home till about 1 o'clock in the morning. The number of persons apprehended by the police in 1871—the year before the restriction by the magistrates—was 417. In the year of the restriction it was 276, and the year following 329.

4415. *The Chairman*.—Have you had reason to believe that much mischief has been done by drinking liquor purchased in grocers shops?—It is exceedingly difficult to know, because both the purchaser and the seller

have an interest not to disclose it, and it is exceedingly difficult to get at the facts; but I have no reason to doubt that it is the case that a great quantity is consumed by persons who would not obtain it otherwise, and would not go to the publichouses for it because they would not have credit there, and because they would not probably care about sending there.

4416. Have you ever heard of accounts being disputed—of liquor being set down in name of other things?—No, not in my recollection, but I attribute that to the fact that it is the interest of both parties not to say anything about it. It occurs to me that in connection with the grocers' licences there is a good deal of selling for consumption on the premises which is not detected; in fact, it has the same characteristic,—difficulty of detection.

4417. *Mr Campbell Swinton*.—Do you think the giving to the police fuller powers of entering the shops would lead to a better state of matters?—It might, but I don't know that it would be at all a cure, for whether there is a cure or not is a difficult question.

4418. *Mr Ferguson*.—Would you be in favour of the complete separation of the trades?—No; I would rather put such restrictions upon the grocers as would enable them to sell a quantity in a sealed bottle. I have heard it stated by witnesses to-day that a quart bottle sealed would meet the case. That would be my opinion, because I think the other would be an unfair limitation of the trade.

4419. *The Chairman*.—Do you think a choice should be made among the number of grocers who should have the licence: would you give it to one and withhold it from another?—That is a very difficult question indeed. We have grocers who had licences and who gave them up from conscientious motives, but these are few and far between.

4420. That sometimes means the pressure of a denomination?—It may sometimes, but I did not mean it to apply in that way.

4421. Do you see a great difficulty in the matter in meeting the alleged injustice to unlicensed grocers?—Yes, but I think a restriction of the hours over all would be beneficial.

120. *Provost STURROCK*, Kilmarnock, examined.

4422. *The Chairman*.—What is the population of Kilmarnock?—The population is at present about 24,000 to 25,000. The number of licences granted in 1853 was 10 hotels, 93 publichouses, and 28 grocers. In 1865 there were 12 hotels, 79 publichouses, and 46 grocers. In 1877 there were 11 hotels, 79 publichouses, and 43 grocers. Taking the population at 25,000, which is an extreme rate, the ratio of the whole licences to the population in 1877 is 1 to 187; the ratio of grocers' licences is 1 to 581 and of publicans 1 to 316. The magistrates have no local regulations, but consider each application on its own merits, and latterly have been rather disposed to curtail grocer's licences under the conviction that they are already too numerous.

4423. Is it the opinion of the magistrates that grocers' licences are objectionable?—At one time they thought that grocers were very innocent, but now they think them very detrimental; we have certainly far too many grocers' licences.

4424. It would be very satisfactory if you would say in what respects you think that they are objectionable as compared with publichouses?—I think that spirits most unquestionably are sold by grocers in cups and open vessels to a pretty large extent, and there is no doubt that drinking is increased very greatly among women of the lower class recently. In 1860 the number of people apprehended in the burgh by the police was 514 males and 188 females, and of these 387 males and 126 females were under the influence of drink. In 1873, which was the year in which wages rose to a very high pitch, these numbers greatly increased, being 1102 males and 256 females: of these 937 males and 218 females were under the influence of drink. In 1876

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the numbers apprehended were 677 males and 307 females, and of these there were intoxicated 520 males and 270 females, showing that the number of females of irregular habits had very largely increased.

4425. Had you any reason to believe that the grocers were responsible for some of this intemperance?—I don't know; I think we have too many facilities for people getting drink, and that grocers contribute their share. I think in the cheaper rented grocers' shops particularly there is a large amount of illicit drinking.

4426. Some of your grocers are in very low-rented houses, are they not?—Unfortunately there are too many of that class with us. We have 43 licensed grocers, and of these 9 have rents under £10; 11 are between £10 and £15; 10 are between £15 and £20; 4 are between £20 and £30; 5 are between £30 and £40; 1 is between £40 and £50; and 3 are between £50 and £100.

4427. The magistrates are keeping down the number of grocer's licences: are they averse to take away the licences from present holders?—We find a great many difficulties in doing so. We certainly hesitate about doing that unless you make it compulsory to reduce the number of licences altogether, according to a certain ratio.

4428. Would that in your opinion be desirable?—Yes, I certainly would not grant licences to grocers under a certain rent in Kilmarnock, say from £20 to £30. I think they should be restricted in number, and in that case you would get a better class of people into the trade.

4429. Would you advise a sliding scale, according to population?—Yes, something of that sort.

4430. Is it not the case that rents run exceptionally high in Kilmarnock in proportion to its size?—No, I think not; on the contrary, they are very much lower than in Ayr.

4431. Is that the case of small dwelling-houses?—There is not very much difference, but that is the case with better dwelling-houses.

4432. As to restriction, do you not see a great difficulty in magistrates reducing the number of grocers' licences in consideration of the advantage that they give to one tradesman over another?—No doubt it is a very delicate thing to do, and perhaps the best way is to raise the licence two, three, or four times what it is at present, and gradually weed them out as convictions are got against them.

4433. That would be with a view to get rid of small grocers altogether?—Yes.

4434. Do you think it desirable to substitute, for the dispossessed grocers, spirit-dealers pure and simple?—No. We have plenty of them already. It would be desirable to reduce them too. I think there is nothing wrong with the present system if you get it in good hands.

4435. Would you redress the inequality—the advantage that some have over others—by making them pay dearly for it?—Yes, I would make them pay handsomely for the licence. Then, as to their hours I should like to suggest that the hour for opening the grocers' places and also the licensed publicans should not be earlier than 8 A.M., and I think that grocers should be made to shut by 8 o'clock at latest, and also that the police should have supervision over grocers the same as over publicans, and that they should not be allowed to sell spirits after the regular hour for closing.

4436. But if you compel a grocer to close at 8 o'clock, three hours before the publican, would you not be transferring part of his business to the publican?—Possibly, but I think there is no pretence for a grocer keeping open late, because working men cease work much earlier than they used to do. At this moment grocers shut at 7 o'clock in Kilmarnock.

4437. Do the lower class shops also shut then?—Not all, most of them do; the respectable ones close about 7, and on Saturday nights about 9 o'clock.

4438. Would it not be taking away some of their trade and giving it to the publicans?—It would not affect them much, I think.

4439. You hold the opinion, I believe, that there is great difficulty on account of canvassing?—Yes, there is no doubt that the grocers and others canvass the

magistrates privately for licences. They have attempted to canvass me many times, and there is a great delicacy on the part of the local magistrate to prevent this. I think the number of licences should be fixed, and no discretion be given to the magistrate. I would also suggest that the licensing courts and appeal courts should be reduced in number. I think that if you had a committee of five or seven, and made them permanent, you would have greater security for getting some sort of uniformity in their decisions.

4440. Do you mean five or seven for the whole county?—For every district. Just now in Ayrshire there are districts, and there may be 20 or 30 present, and really it is a very unsatisfactory court.

4441. Would you have a licensing committee that would be permanent?—Yes, a small number who would be permanent. I would also suggest that grocers should be restricted to selling a certain quantity of spirits, say not less than a quart.

4442. We have had a good deal of evidence given in favour of the minimum quantity being smaller than that; they say so many wish a pint: is that your opinion?—I don't see any objection to make it a pint, but I should prefer it to be a quart.

4443. *Mr Campbell Swinton*.—Would that not give them a temptation to drink it all when they get it?—That is the objection to grocers selling a small quantity. A man thinks twice before he buys a quart. As to convictions, I may say there have been in Kilmarnock 27 convictions against grocers during the last 25 years, and these have been almost entirely against small rented houses. (See also App. D, p. 492.)

121. *Mr WILLISON*, Superintendent of Burgh Police, Kilmarnock, examined.

4444. *The Chairman*.—Referring to the last statement of Provost Sturrock, I wish to ask you whether, in your opinion that number of convictions represents the offences?—No, it does not.

4445. Is it your opinion that there are frequent evasions?—It is, speaking from experience. Private parties will not give information. In fact, when we find people drinking on the premises sometimes they turn round and swear that they did not drink it at all, although the policeman saw them.

4446. Have your officers instructions to watch the grocers' premises?—Yes, but they have not the same power to enter them that they have to enter a public-house. *Provost Sturrock*.—The person who gets spirits illegally won't tell, and it is done behind the door.

4447. *Mr Campbell Swinton*.—Do you think that objection would be remedied if the police were allowed to enter?—Yes.

4448. Do you think that the buyer should be punishable as well as the seller?—I think that would be a hardship. A buyer might go into a grocer's shop innocently. These convictions were obtained against small grocers, whose rents ranged from £5 up to £20. Thirteen of them were offences for consuming on the premises, and fourteen were for Sunday selling. I think all grocers should be compelled to live away from the tenement in which the licensed premises are.

4449. *The Chairman*.—Do you agree with Provost Sturrock that it is a bad system to have licences given to small houses at all?—Yes, I think the rental should not be less than £20 for Kilmarnock. I think the grocer's certificate should be amended. In the case of the publichouse it is a contravention of the certificate if he keeps open house after 11 o'clock at night, and before 8 o'clock next morning, whether he sells drink or not. The grocer can keep open his shop from 11 o'clock at night till 8 in the morning without contravening his certificate, unless you can prove that he sells spirits. I would suggest that the certificate should be altered, and that the words be inserted 'and do not keep open shop, or traffic in, or give out therefrom, any goods or commodities whatever before 8 o'clock in the morning or after 11 o'clock at night.' On one occasion a constable suspected some people of consum-

ing drink on a grocer's premises about 12 o'clock at night, and they swore that they were purchasing a ham, and of course the grocer was not convicted. I coincide in thinking with the provost that the hours should be reduced for grocers to from 8 in the morning till 8 at night. I may also state that the number of unlicensed houses in the burgh is 55.

4450. Are they doing a good business?—The most of them are small grocers; about a dozen are pretty extensive.

4451. I never can get a satisfactory answer from the witnesses who suggest, as many do, that the grocers should close earlier; why should they be compelled to close and the publicans be allowed to keep open?—The grocers who are not licensed and some of the large licensed grocers shut at 7 o'clock, and 9 o'clock on Saturday nights.

(See also App. D, p. 505.)

122. Mr JOHN MENZIES, examined.

4452. *The Chairman.*—You are superintendent of police for North Ayrshire?—I am.

4453. I believe you attend here to-day as Captain M'Hardy, the chief constable, has not been long in that position?—Yes.

4454. You have had long experience there?—Yes.

4455. The number of licensed houses differs considerably in the several districts?—They do in proportion to the population.

4456. They are much more numerous in some districts than in others?—They are.

4457. On the whole how many licensed houses are there in the county?—Commencing with 1863, there were in that year 175 licensed grocers, or 1 to 894 of the population. The number of hotels and publichouses in the same year was 467, or 1 to 334 of the population. Taking all licensed houses there were 642, or 1 to 234 of the population, according to the census of 1861. In 1871, taking the population of the county according to the census at 154,534, the number of licensed grocers was 180, a slight increase over 1863, or 1 to 258 of the population. The number of hotels and publichouses in the same year was 467. In 1876 there were 182 grocers, and in the same year the number of hotels and publichouses was 428, showing that in five years the justices have reduced the number of the latter by 39, although there was a slight increase in the number of grocers' licences.

4458. *Mr Ferguson.*—What is the proportion, taking the number of both licences?—The number of licensed houses in 1871 was 647, or 1 to 239 of the population. In 1876 the entire number was 610, or 1 to 275 of the population. The estimated population in 1876 was 167,960, made up from returns got up by the constabulary.

4459. *The Chairman.*—Are you speaking of the whole county?—All the figures I have given apply to the whole county, exclusive of the burghs of Ayr, Kilmarnock, and Ardrossan.

4460. In some districts licences have been granted more commonly than others; take the case of Irvine, for instance?—They have.

4461. Is that the case with grocers' licences as well as publichouses?—It is; there has been a great increase, I understand, of grocers' licences.

4462. Then that would apply both to the burgh and district of Irvine?—Yes.

4463. Is it the case that there has been a reduction over the county at large?—These numbers do not represent that, there being one or two districts where the—

4464. Does it not show fairly what is the case over the whole county?—It does not show the increase or decrease in the various districts, but shows the reduction as a whole.

4465. You were a long time stationed at Dalry, a mining district?—Yes.

4466. Were the licences numerous or otherwise?—They were pretty numerous at Dalry.

4467. Can you tell us whether you found the drunkenness increased or otherwise in proportion to the number of licences?—There was a great amount of

drunkenness during the time I was stationed there, but I could not connect it with an increase or decrease of the number of houses. Glasgow.
John Menzies.

4468. Do grocers' houses vary in districts according to the population?—They do according to the character of the population. I think the grocers' licence is bad so far as it affords an opportunity for females getting entries into pass-books under other names, and obtaining small quantities of spirits unknown to their husbands. In that way I think it exercises a bad effect on the habits of the people, because it induces habits of home drunkenness. I have a book in my hand, which I now produce, in which I see whisky entered as 'pop.' There are entries 'pop 6d.,' 'pop 1s. 9d.,' 'pop 3d.,' and so on throughout the whole book. Sometimes it is entered as 'aqua.'

4469. What sort of a man does that book belong to?—A miner.

4470. Is it run up with the grocer?—Yes.

4471. By his wife?—Of course it would be no-doubt by his wife; it is a regular pass-book.

4472. How did it come into your hands?—I knew I was coming here, and I did not think I could give any stronger evidence than to produce it.

4473. Is that a common thing?—I believe it is a common occurrence.

4474. How do you know that 'pop' meant whisky?—The person who gave the book to one of my officers told him so, and he gave me a written report to that effect. The grocer who made the entries in that book once complained to me that he had been led to give credit to a miner by fraud, and produced a book with many entries of *aqua*. I refused to take proceedings in that case, and my knowledge of that grocer's practices led to my getting possession of the book produced.

4475. But have you been informed in the course of your inquiries that this is of common occurrence?—Yes, I am quite satisfied of that from my experience in going about amongst those people—from what I have seen and what I have heard. It is general report in the districts.

4476. Is the law frequently broken in the licensed grocer's house?—I am sorry to say there are a great many evasions very difficult of detection.

4477. Do you practically not detect many?—We don't.

4478. But still you are of opinion that you are justified in saying there are a great many you don't detect?—Yes; I have had many reports from the constables which, for lack of evidence, I cannot bring forward for proceedings. If a constable finds people drinking in a grocer's shop, and asks them what they have been drinking, they say: 'It's water; what's your business.' There are those who, when they are caught in the act, admit and tell; but if you get people who carry on the system, and if there is an understanding between the grocer and the person getting it, it is almost impossible to detect it.

4479. But surely the tumbler would tell its own tale, whether it was whisky or water?—It would do that, but then, unless the man gives a statement, I could not get materials to prepare a report for prosecution, and the matter would drop.

4480. *Sheriff Crichton.*—You have only the evidence of the one officer against the seller and the purchaser, and the balance of evidence is in favour of the grocer?—Yes.

4481. *The Chairman.*—Do you think they get into grocers' houses for drink on Sundays?—I cannot speak to that. 'They get into publichouses as readily.'

4482. Do you think they get drink before or after legal hours? Is that a kind of evasion?—I don't think they do that any more than publichouses do.

4483. Are these evasions common in small country houses or do you think they are common to all the licensed grocers in your district?—They are common to nearly all the licensed shops, but there are men who would not commit such practices, although there are very few. The construction of these houses gives facility to this species of drinking; there is the front entry, the back shop, and door usually leading into a stair in connection with dwelling-houses above, giving additional facility for evasions, and making detection difficult.

4484. Have the justices ever made any rules against

GLASGOW. licensing houses that have no proper provision against evasion?—No, they have no fixed regulations. They generally judge every case as it comes up on its own merits. Of course the magistrate certifies that it is of sufficient accommodation, and the licence is granted if the magistrates think it necessary. I would have a more strict examination of these premises. I think the matter should get more attention before the magistrates at the licensing court. A full report as to the situation and construction of the premises for which licence is sought, certified by at least two magistrates and an officer in the higher grade of police, should be given.

4485. Is it the case that the magistrates are becoming more reluctant to grant these grocers' licences?—Speaking of my own court, there has been a disposition on the part of the magistrates to keep down licences of all descriptions generally.

4486. Which court do you mean?—Kilmarnock, embracing six parishes. There are two licensing courts, Stewarton and Kilmarnock.

4487. You don't, then, attend the licensing courts in the rest of North Ayrshire?—No.

4488. But have you ever known the magistrates grant a grocer's licence when a publichouse licence has been asked for?—I remember only one case of that kind occurring many years ago: they don't generally do that. I have been at Kilmarnock, Beith, Cumnock, Saltcoats, and Stewarton; and I don't think that is a general practice.

4489. Would you like to see grocers' licences done away with altogether, or only regulated differently?—It would be better if they were done away with altogether, but I should like to see them better regulated and see the character of the houses raised—a better description of traders, probably higher rents, and the construction of the premises more open. I think if that was attended to there would be less harm, and I should like to see sealed or closed vessels to prevent the tipping that goes on in and outside of premises. In speaking of stores, I know that a great deal of drinking takes place outside; and indeed in some grocers' shops they give an open vessel to go into the entry or stair off the premises, and thus clear themselves from the charge of allowing drink to be consumed on the premises.

4490. *Mr Campbell Swinton.*—Do they give the liquor in open vessels and also a tumbler or a glass on loan, which is carried back again?—Yes.

4491. *The Chairman.*—I have been asked to put this question to you, with reference to the miner's book which you have produced: Are you aware whether the husband knew that 'pop' meant whisky, and whether the 'pop' was got with his consent?—I am not aware. I have other two books, which I produce, of the same description. They were given to me by one of my officers and a grocer who got them from the customers, and 'pop' is in the rest. The only other remark I would make is with regard to the statement of Mr Willison, to make the grocers close for the sale of groceries at the same hour at which they are allowed to sell liquor. I have found considerable difficulty in getting them closed, and I have seen them kept open till nearly 12 o'clock on Saturday nights, and, when checked, they would say 'we are not selling liquors; we are selling 'groceries'; and then they open at 7 o'clock in the morning, giving facility for passing out liquor with groceries.

4492. You don't think that the exigencies of the working people require that the grocers should sell after 8 o'clock at night and as early as 7 o'clock in the morning?—I don't think so.

total, 37. In 1871 there were 7 hotels, 10 publichouses, and 24 grocers: total, 41. In 1876 there were 6 hotels, 11 publichouses, and 26 grocers' licences: total, 43.

4495. What has the population been in these years?—In 1861 and up to 1871 it may be stated in round numbers to have been in the burgh of Irvine 4250.

4496. That is in the same area as the licensed houses referred to?—Yes.

4497. Has not the area been extended?—No, but I may explain that during the last three or four years, since 1871, there has been a large increase of the population, both in the burgh and in the Halfway district of the town which is in the parish of Dundonald. The town of Irvine is composed of the burgh proper and the Halfway district. The burgh has 43 licences and the Halfway district has 32, giving a total of 75 licences in the town of Irvine.

4498. What would be the population represented by this enlarged area?—At present we estimate the population to be 10,000. It was only between 7000 and 8000 in 1871 when the census was taken. The burgh magistrates license in the royal burgh, and over the water in the Halfway district the county justices license, and that is the reason why I was going to deal with the burgh separately from that part of the town, which is included in the J.P. district of the county.

4499. The number would seem to be considerably larger in proportion in the town than in the whole district?—Certainly.

4500. If you take the number at 43 in 1876 at 4250 people, how many would it give to the population?—We estimate the population to be 6000 in the royal burgh, giving 1 in 140, and in the extended district it would be about 1 in 130; that was stated publicly by Captain Boyle at the last licensing court.

4501. Have the burgh magistrates been endeavouring to keep down the number, or have they been pretty freely given?—The figures show that they have been increasing the number of licences since 1866. In 1861 there were only 28, the next period 37, the next 41, and the next 43. The population did not begin to increase until after 1871, but since then it has increased very much.

4502. Have there been many refused?—There have been very few refused.

4503. Have there been any respectable grocers refused who were in a considerable way of business and unexceptional?—None.

4504. What has been the case with the justices?—They have also been increasing the number of grocers' licences in the Halfway district of the town of Irvine very considerably, and they justify that by the increase in the population. There has also been a very large access to the population there in consequence of the works.

4505. There has generally been some difference of opinion, has there not?—There has been considerable difference of opinion with regard to grocers' licences. I may explain that the justices who were opposed to the increase of the publichouses very readily granted grocers' licences, but some of them now think it is a mistake to increase them.

4506. Did they sometimes grant a grocer's licence where they refused to grant a publichouse one?—Where they would have been inclined to refuse a publichouse licence they gave a grocer's licence.

124. *Bailie Wright, Irvine, examined.*

4507. *The Chairman.*—Are the magistrates of opinion that grocers' licences have tended to increase drunkenness?—There has been a diversity of opinion amongst the justices with regard to the granting of those licences irrespective of the increased population, but it depends upon the character of the population. They have not been unanimous with regard to the granting, and of course, as the population has increased since 1872, we have had a marked increase in drunkenness—by strange people coming to the locality and going away on Saturday nights. That rolling population favour increased drunkenness.

James Dickie.

123. *Mr James Dickie, examined.*

4493. *The Chairman.*—You are one of the town-clerks of Irvine and the procurator-fiscal for the Irvine district of the county?—Yes.

4494. Can you tell the number of licensed houses in the burgh?—In 1861 there were 4 hotels, 8 publichouses, and 15 grocers' licences, with 1 porter and ale licence. The total number is 28 in that year. In 1866 there were 9 hotels, 6 publichouses, and 22 grocers:

4508. There has been an immense increase in the working population, and these are being highly paid?—A good many have been highly paid, and there is a large class of labourers.

4509. What has been the experience of the magistrates as to the conduct of those numerous grocers who are licensed: do you believe that the law is much evaded?—From the information of the inspector of police, the magistrates are obliged to believe that the law is to some extent evaded, although the general body of the licensed grocers are a very respectable body in Irvine.

4510. Is it your individual opinion that licences are too numerous?—That is my opinion, in certain localities.

4511. Is it your opinion that the number of licences leads to more drinking?—I think so; it gives greater opportunities for drinking; where public works are placed men of course are served with drink more readily than if it were at a greater distance. It is freely used in localities where the foreman guarantees that men shall pay drink on Saturdays and pay-day, and makes other sorts of arrangements.

4512. The giving of the licence to grocers enables them to get credit for drink which they could not get at the publichouse?—It appears so.

4513. Would you think that the number of licensed houses should be restricted, including grocers?—I think it might be put upon a ratio according to population.

4514. And do you think that there ought to be some restriction as to the value of a house that has a licence?—Yes. I think that that would tend in the right direction so as to extinguish in some measure the small grocers in poor localities where disreputable conduct is carried on.

4515. Are there any other ways in which you would say that the law should be strengthened in respect of the grocers' licences?—I believe that the people of Irvine would be very agreeable to a reduction in hours if the licensed grocers could fall in with that arrangement, and I think it would tend to the public good, seeing that men's hours are so short for labour, especially on Saturdays.

4516. Do you think that the licensed grocers' shops should not be opened at all till the publichouses open? Do you think that the hours should correspond at least?—I think it would be a fair thing, and be a public benefit.

4517. Do you think it is the custom in the burgh for spirits to be sold by the grocers in open vessels?—I don't think to any extent. I think it is generally in bottles they sell it.

4518. We were told that in some parts of the county it is a very common thing to get liquor and go outside and drink it: is that your experience?—I have heard those cases complained of in court, where publichouse people had occasion to appear in court, and stated those things.

4519. *Mr Campbell Swinton*.—Do you think it would be an improvement to sell spirits either in sealed or securely corked bottles?—I don't think it would make much difference, because the publichouses are so easily available; but I know that that is the public opinion concerning it.

4520. You say 'because publichouses are so easily available': is there not a class of people who would go to the grocer rather than to the publichouse?—I think that tradesmen's wives would get liquor at the grocer's, but if they were very desirous of getting it they would go to the publichouse just the same. Perhaps if the rate of licences was increased according to the population, it might reduce small places.

Mr JAMES DICKIE (123), recalled.

4521. *The Chairman*.—Do you think that the justices are now more inclined to restrict the grocers' licences?—They criticise the applications more severely and look at the premises with greater care now, I think, but that is all I can say in that direction.

4522. Have you had many cases in your court of evasion of the law by grocers?—Not in proportion to the number of licences. The total number of convictions from 1861 to 1866 in the burgh was 17, 4 of these being grocers. From 1866 to 1871 the total number of convictions was 18, 8 of them being grocers.

From 1871 to 1876 the total number of convictions was 18, 8 of them being grocers. In 1863 there were in the district 17 hotels, 34 publichouses, and 21 grocers' licences. In 1866 there were 19 hotels, 33 publichouses, 30 grocers' licences, and two licences for porter and ales. In 1871 there were 20 hotels, 35 publichouses, 35 grocers' licences, and 2 for porter and ales. In 1876 there were 19 hotels, 38 publichouses, 38 grocers' licences, and 4 for porter and ales.

4523. How many convictions of grocers have there been in your district?—From 1863 to 1866 there were 5 convictions against grocers; from 1866 to 1871, 9; from 1871 to 1876, 16.

4524. Had you many cases reported to you by the police that were not taken up?—Not many, but in the case of several that were prosecuted convictions did not follow, — some of the defences being very suspicious. I may instance one that I had the other day. Two young men entered a grocer's shop, and the policeman noticing them going in, went in after them, and found them drinking liquor. He had no doubt it was beer, and the young men said at the time it was beer. The policeman took them to the police station, and they repeated the statement in presence of two or three constables. When they came into court, however, they said it was ginger ale—a Good Templar's liquor, and for supplying which to be consumed on the premises, the magistrate could not convict. The defence succeeded.

4525. Is it your opinion that the law is weak, and that it is difficult to detect evasions?—Yes, I think the police should have more power in regard to grocers, and I don't think the respectable grocers would object to a constable having the power of inspection. I should not like to give the power to a common constable, but I would commit it to a sergeant or superintendent.

4526. Do you think that the number of licences should be reduced by some rule to prevent too many being given?—It would free the magistrates from a very great deal of difficulty.

4527. There is a constant pressure, is there not, put upon them by individuals?—Yes.

4528. And where so many grocers get them, and where so many others are refused, the magistrate may be afraid of injuring a man in his business?—Yes, very often; and really cases are put very strongly to them in that direction. I think the hours for closing grocers' premises should be the same as publichouses. I don't think they should have any privilege beyond the hour for publicans. If they have an open shop, there are great facilities for illicit traffic.

4529. It has been suggested that there should be a smaller licensing body: is that your opinion?—I think I should approve of having that, as they would come to know better how to conduct the business under the Acts.

4530. Have many or any of the licences granted in your district been refused by the appeal committee?—Two new ones have been refused this year.

4531. Is there anything else you think it right to state as to your town or district?—Generally I should say that the grocers should not be allowed to supply anything to be consumed on his premises at all. From the case I have instanced one sees how readily a defence may be set up, unless the policeman actually tastes the liquor. In that case he was prevented from tasting it, as it was thrown out by the person in charge of the premises.

4532. If they have a profitable trade in liquor don't you think they should submit to other restrictions?—Yes. I have had several instances where at the time of detection they prevented a constable tasting the liquor, and deprived him of the privilege of saying whether it was excisable liquor or not. With regard to pass-books, I may say that, sitting in the justice of peace and the sheriff small debt courts, I have heard a great many defences set up in regard to grocers' debts, such as I have heard witnesses speak to to-day—that a great many entries in the books were put down as goods. I heard of one before Sheriff Paterson, in which 'onions' was

GLASGOW. the synonym for spirits. From what I have seen in the Small Debt Courts, I have no doubt whatever that the practice referred to is adopted to a considerable extent. There may be different motives for adopting it. One suggestion may be that the grocer wished to protect himself against the Tippling Act, and another may be that it was done to blind the husband from knowing that his wife was getting the liquor. I have heard both put forward. Sometimes the husband blames the wife and sometimes the grocer, and he refuses to pay his account in consequence. Although there has been a decided improvement in regard to the grocers' premises I should like to see some more. I think there should be a limitation in regard to rent—that no grocer should have a licence unless he has premises up to a certain rental and suitable for carrying on the business, and unless the premises are properly fitted up.

4533. Do you think that he ought to pay a higher rate for his licence?—That has been suggested, and the difficulty I have in regard to that is in putting down a fixed rule with regard to it, because one rule would work well enough in a city whereas it would work very badly in a small place. The licence varies according to the rent in the case of the publichouse-keeper.

Wm. Higgins.

125. Mr WILLIAM HIGGINS, examined.

4534. *The Chairman*.—What are you?—I am a master shoemaker in Irvine.

4535. Have you given your attention to the subject of this inquiry?—Yes, I have been looking at it occasionally.

4536. The grocers' licences are very numerous in Irvine?—Yes.

4537. In your opinion have they had a bad effect on the town in leading to more drinking than would have been otherwise?—I don't think it.

4538. Is it your opinion that it is a good system that liquor should be obtainable in the shops where you can get provisions?—I believe it is quite correct to sell spirits in small quantities in grocers' shops.

4539. But is it a good system that spirits should be sold in grocers' shops?—Yes, because if you want a drop of good stuff you get it better there than in the publican's.

4540. You think it is a convenience to people to be able to get the liquor they require in the same shop as their groceries?—Yes.

4541. You are in favour of grocers having their licences?—Certainly. I think it is quite correct to sell spirits in small quantities to working people, simply because those who do not get it there would get it in the publichouse, and it is my opinion that they get better stuff from the grocer than from the publican.

Adjourned.

GLASGOW, MONDAY, 22ND OCTOBER 1877.

Present :—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSSON.

Sir JAMES FERGUSSON IN THE CHAIR.

Mrs Stewart;
Mrs Fulton;
Mrs Woyka;
Miss Whyte.

126. Mrs STEWART,
127. Mrs FULTON,
128. Mrs WOYKA,
129. Miss WHITE, } examined.

4542. *The Chairman*.—You were appointed, at a meeting of the Women's Temperance Prayer Union on the 19th inst., to present a memorial to the Commission?—*Mrs Stewart*.—Yes. [The memorial was read as follows:—'To the Royal Commission on Grocers' Licences.—We, the undersigned, representing the 'Women's Temperance Prayer Union of Glasgow, protest against the existing law regarding grocers' licences. We would call attention to the demoralising effect on licensed grocers and their assistants through intoxicating drinks being constantly within their reach, as well as the deceitful habits induced by the continual and well-known evading of the law. We are satisfied that most disastrous results accrue from the facility with which spirits, wines, and malt liquors can be obtained in shops holding such licences. We view these shops as the means by which many women, but specially the wives of respectable working men, first acquire the habit of drinking. While they would scorn to be seen entering a publichouse, they are not ashamed to purchase intoxicating liquor along with food from a licensed grocer—the drink being often entered in the pass-book as some other commodity. While we do not cease to pray for the total prohibition of the drink traffic, we would hail with thanksgiving any legislative measure for the separation of the sale of intoxicating liquor from that of food.—On behalf of the Women's Temperance Prayer Union of Glasgow—Adelaide Stewart, *President*; Agnes Rannie, *Vice-President*; Elizabeth Dunlop, *Treasurer*; Mary White, Agnes A. Bryson, *Secretaries*. 79 Sauchiehall Street, Glasgow, 19th October 1877.']

4543. May I ask if you or the other ladies can speak to distinct cases that have come under your knowledge of the kind mentioned in the memorial?—*Mrs Fulton*.—I can speak to two cases that came under my own notice. I don't suppose I should be asked to give names, but they came under my own special notice—one the case of a lady in a very good position, and the other not in such a good position, but both highly respectable, who informed me that they had imbibed these habits entirely by getting drink at the grocer's. They would not have entered a publichouse. There are many circumstances which it would not be prudent for me to mention that are known to me in connection with these two cases.

4544. When they went to the grocers they got into the habit of getting small quantities of spirits?—In one case it was got in sealed bottles. I don't know as to the other, but it would be in small quantities, I think. Neither of their husbands was aware of it. They acquired the habit, and indulged it, in ignorance of their husbands, for a considerable time.

4545. Have any of you ladies known special cases of the kind mentioned?—*Mrs Woyka*.—Since I have observed the sittings of the Royal Commission, I have made it my purpose to try to get evidence, and I know two reformed drunkards who have told me that even to-day, when they go into a grocer's shop to buy other articles, the temptation is before their eyes, and they say, 'Why not buy the same articles we used to buy?' but they are restrained from doing what they formerly did.

4546. Do you mean that they have been asked in grocers' shops to buy liquor?—No; they feel the temptation from seeing it before their eyes in going to the grocer's for other goods. These were reformed drunkards who told me of the temptation they felt to buy the whisky again. I may mention that one grocer

to whom I spoke said to me, 'I cannot pay my rent unless I have the licence.' I do not see why grocers should have licences any more than fleshers or bakers.

4547. Is there any other thing which any of you ladies would like to mention?—No.

130. Mr JAMES M'KILLOP, Coalmaster, Slamannan, Stirlingshire, examined.

4548. *The Chairman.*—We have heard that you can tell us something about the existence of stores in the mining districts, in which liquors are sold. Are they numerous in your district?—Yes. May I be allowed to read a statement which I have prepared? If you please.—'I have connection with collieries situated in New Monkland, Slamannan, and Muiravonside parishes, employing upwards of 750 workmen. In the immediate district of Slamannan, where I reside, there are 3 hotels, 2 publichouses, and 8 grocers' licences, with a continuous effort to increase the latter number. This will represent a population of between 5000 and 6000 persons. I have had considerable means of observing the effect of grocers' licences on the working classes, and it is undeniable that the facilities for obtaining drink at grocers' shops under the present system produced irregularities, and especially drinking amongst female customers. I have had the means of knowing that spirits were noted in provision books as "Aqua," sometimes as "Aq," and as frequently represented as "Soap," and would presume, in cases like the latter, that it was got without the knowledge or approval of the husband. I have had complaints from publicans of their sufferance through the custom of licensed grocers allowing drinking on their premises, and thereby tending towards the hurt of the publicans' interest. However, drinking on the premises was not in every case with the approval of the licensed grocer. In our locality the drinking at the door and windows of licensed grocers is practised to a most unseemly extent,—positively disgraceful. I have never considered that policemen in country districts showed any earnestness to make convictions of people drinking on the premises. I would consider it next to impossible for policemen to strictly supervise and check all the irregularities committed by some licensed grocers in country districts, as it becomes exceedingly easy if a grocer is willing to evade the law. I have a firm conviction that the spirit trade, and the grocery trade should be completely separated. I consider this the only sure way of lessening temptation, and removing the evils complained of. I feel certain that the restricting of spirits to a given limit, even though having the bottles sealed, would not cure the evils of the present system. I consider the number of publichouses should be regulated according to the population, but have no distinctive opinion as to the number of householders that should form the basis of calculation. The effect of a principle like this would be a great guidance for justices, and obviate the corrupting efforts made in canvassing them as is done meantime. I have also the decided opinion that in order to control the monopoly or favour that might arise therefrom, all publichouse licences should be submitted to some form of auction, or public competition, so that while the present duty as a basis might be adequate for back-lying premises, the surplus duty that would be received from favoured locations would immensely aid the national or local exchequer. Some principle like this would give the country a truer value of publichouses relative to each other, and very much annul the buying of the goodwill of licensed houses commonly practised, which I have personal knowledge of. I would strongly recommend the shutting of publichouses at 10 o'clock at night, as, apart altogether from the consideration of the shortening of the hours of Saturday's labour, it almost invariably follows that in country districts, under the present system, the hours of the Sabbath are trespassed on before many reach

'their homes from the public houses. I feel quite certain that a proper representation of working men's opinion in Scotland would be completely antagonistic to the interests of grocers' licences. And probably no better deduction could be drawn in support of this statement than in my neighbourhood, where the workmen, under the co-operative system, began business some 15 years ago, with about £100 of capital. They now own 3 large establishments in different parts of the district, and turn over somewhere about £60,000 per annum. It seems altogether against their idea of things to associate spirits with their business.'

4549. You say the number of licensed houses is 3 hotels, 2 publichouses, and 8 grocers, in an area comprising 5000 of a population. You are sure of these numbers, are you?—Yes; the population of the entire parish, I understand, is not much over 6000.

4550. That would give a licensed house to something over 400 of the population. You think the houses are too numerous, do you?—Yes, I think so.

4551. Are you a justice of the peace?—No.

4552. Has the action of the justices been to reduce the number of houses of late?—No.

4553. Has this number of eight grocers existed for many years?—It has existed for a number of years.

4554. They have given no new licences of late?—No, they have given no new licences.

4555. When you say that attempts have been made to increase them, does that mean that there have been applications for new licences?—There have been applications every half year for an increase.

4556. But the justices have been refusing?—They sometimes refuse on the ground of the house not having proper accommodation or something of that sort.

4557. Are there many grocers in your district who have not got the licence?—A considerable number.

4558. *Mr Ferguson.*—Do these grocers who have not the licence complain of any unfairness in being refused the licence? In other words, do they find it against their trade not having the licence?—There are a number who confine themselves to the provision trade that have no inclination to associate the selling of spirits with their business.

4559. But my question has reference to the effect upon their trade. Are they sufficiently prosperous without the licence?—They seem to be getting a living.

4560. *The Chairman.*—Are the grocers who have the licence living chiefly by their groceries, or chiefly by their liquor trade, do you think?—They seem to be living chiefly by their liquor trade.

4561. That is your opinion: perhaps you are not sure?—Oh yes, I am quite sure on that point.

4562. That their liquor is their chief trade?—Yes. A large proportion of the working men are associated with co-operative stores, where they get their provisions. That proves that the licensed grocers are living chiefly by the spirit trade.

4563. Is it within your knowledge whether many workmen deal with the co-operative stores in preference to licensed grocers, so that their wives may not have the chance of getting spirits, or do you know anything about that?—Those that go to the licensed grocers' are generally the lower class of workmen.

4564. You think that as a rule the better class of workmen are dealing with the co-operative stores?—Decidedly.

4565. You have said that liquor is entered in customer's books under some other name: are these cases within your own knowledge?—Yes.

4566. You have seen the books?—Yes.

4567. You say you would like to have the grocers' licence abolished altogether. Is that because you think its connection with the grocery or provision trade undesirable?—It is quite an undesirable connection.

4568. Would you object to have a moderate number of spirit-dealers who did not sell groceries, but who might sell liquor not to be consumed on the premises?—I believe that where spirituous liquors in country districts are vended at all, there ought to be suitable sitting accommodation.

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J. M'Killop.

4569. You think it is more desirable that they should be consumed in the publichouse than taken home,—is that your opinion?—Decidedly. Workmen in general have no great desire to take home liquor to consume in their own houses.

4570. Is it not very common among the miners to take a bottle of whisky home, especially on Saturday night?—It is probably done, but I question much if it is a general practice.

4571. But is it commonly done?—Well, it may be done. I have no doubt it is done.

4572. That would show that among a certain number of them there was a desire to take it home?—I don't think it would be so regularly done if the liquor was confined to the publichouses.

4573. But if the men could get no liquor except in the publichouses, would that not keep them away from home more?—I don't think that. Working men as a rule are not habitual drunkards, according to my experience.

4574. If they become habitual drunkards they go down hill?—Yes.

4575. You don't think that many working men drink a little liquor every day?—No, that is not my experience of workmen. I am sorry to say that I have not the same opinion regarding their wives.

4576. *Mr Ferguson*.—Then you think the stuff they get from the grocers is pretty much confined to their wives?—Very much confined to their wives.

4577. *Mr Campbell Swinton*.—Do you think their wives would not go to the publichouse?—They would not.

4578. *The Chairman*.—To what extent do you advocate an earlier closing of licensed houses?—I speak from my own experience, living in a house which is within the hearing of the closing of publichouses at eleven o'clock; I understand that a number of minutes' grace is generally given by the publicans, which may amount to ten or fifteen minutes, and as a common thing the people stand on the street for other ten or fifteen minutes outside, and as they usually have a mile or perhaps two miles to go home, it invariably follows that the Sabbath hours are trespassed on before they reach their houses. It is a very unseemly thing to hear them singing and making a noise, and I was very much shocked a few weeks ago in coming through the village at eleven or twelve o'clock,—which I don't often do,—to see bands of drunk men on the streets at that time.

4579. *Mr Ferguson*.—On Saturday night?—Yes; and shortening the hours would have the effect of restraining them from encroaching on the Sabbath day.

4580. *The Chairman*.—You don't think that if the houses were closed much earlier on Saturday evenings, they would just buy a bottle to drink later on or next day?—It would be a step in the right direction to shorten the hours anyhow.

4581. *Mr Campbell Swinton*.—Do you think there has been any change on the habits of the working classes for the better or the worse in the way of drinking?—My opinion is that the working men are if anything improved. There is one disadvantage that miners in Scotland are subjected to, and that is that in times of depression emigration frequently takes place, and it is the most provident and respectable class of workmen who usually emigrate, their place being taken up generally by a foreign element, which is hardly equal in point of respectability to the men who have left. They are toned considerably down from time to time by emigration, but taking workmen all over, I presume they are rising considerably in the scale, and I have every hope that national education will continue to tone them up.

4582. When you speak of the effect that you think grocers' licences have upon women, do you speak from general impression, or have you known numbers of individual cases?—I know very many cases, I am sorry to say, and there is nothing so discouraging to working men as their continuous grinding and the want of home comforts

4583. Then, in your experience, you rather think that the working men as a body would rather have the licences taken away from grocers?—Yes, that is my experience.

4584. *Mr M'Lagan*.—Were those cases of wives that you say you are aware of cases where they took a good deal of drink without being drunkards?—They were regularly taking drink without being drunkards.

4585. When they get a taste for spirits, do you think they would go as readily to a publichouse as to a licensed grocer for it?—I don't think they would.

4586. They have not sunk so low as that?—No.

4587. But supposing there should be a separation of the spirit licence from the sale of groceries, do you think they would go as readily to a place where spirits were sold to them not to be consumed on the premises as they would go to a grocer's shop?—I think they would be considerably restrained from going to a house that was entirely confined to the selling of spirituous liquors.

4588. You think they get the spirits on the sly, and they would not like it to be known publicly that they are drinking spirits—is that your opinion?—Yes.

4589. You mentioned that you had seen bands of drunken men when passing through the village at night. Are you aware whether any of them got drink from the licensed grocers, or was it altogether from the publichouses?—I presume that in the cases that I mentioned, they got the drink from the publichouses.

4590. Entirely from the publichouses?—Yes.

4591. You mentioned the cases of men drinking the spirits they got at the licensed grocers' at the doors and at the windows, and you stated that that is carried on to an alarming extent. Have you ever seen benches placed along the walls of the grocer's house, where they sit down and drink what they bought in the grocer's shop?—Yes, I have seen accommodation tables.

4592. On the outside of the house?—No, not on the outside.

4593. You have seen that in the shop?—I have seen that in the shop.

4594. That was drinking on the premises?—I may further state that there are some grocers who hold licences that have little patches of field adjoining their shops for the encouragement of quoits and games, and that sort of thing, with the entire means of bringing trade to their own shop—grocers who had no sitting accommodation.

4595. And the liquors were bought in the shop and taken out and drunk in the field?—Drunk at the door—on the outside—within a few yards of the door.

4596. I dare say you have seen publichouse keepers do that too, as well as grocers?—That is not so common in our district.

4597. It is done principally by licensed grocers then?—There is one case that I draw my principal conclusion from.

4598. You mentioned that in some instances the liquor bought in the grocers' shops was consumed on the premises without the consent or approval of the grocers, did you not?—Yes.

4599. Then was it not in the power of the grocer in these cases to inform on the person?—It is a very common thing for vagrants to go in and ask for half a gill, and just to put it over at once.

4600. Before the grocer has time to challenge it?—Yes.

4601. Are you aware whether the licensed grocers in your district have their houses connected with their shops?—A number of them have.

4602. The majority, do you think?—The majority.

4603. And do you think they ever use that communication as a means of giving drink on Sundays, or on other days, during illegal hours?—No; I have no particular knowledge of them selling on the Sabbath-day or irregularly.

4604. *The Chairman*.—This question has been suggested to me: Do you know of any case, of your own knowledge, of drinking on the grocers' premises—Do I know personally

4605. Yes. Have you ever seen any case?—Oh, yes.

4606. Many cases?—A number of cases.

4607. *Mr Campbell Swinton*.—Do you mean a number of cases apart from those cases of vagrants tossing it off before the grocer could prevent them?—Yes.

4608. Do you mean that you know of cases where it is done with the knowledge and sanction of the grocers?—Yes.

4609. At the counter, or in a back place?—Both.

4610. *Mr M'Lagan*.—Then I understand your principal complaint against the system of licensed grocers is the facility it gives to working men's wives to get drink to take home?—Yes.

4611. *The Chairman*.—I am asked to put this question to you: What reason have you for supposing that the husband was not aware that the entry of 'soap' meant spirits? Might it not be put in so merely to evade the Tippling Act?—I think there are cases in our district every day of that same irregularity.

4612. But do you know that it is without the husband's knowledge?—Yes, I know that the workmen were at their work, and getting no drink in the evening.

131. *Mr ROBERT HUNTER*, Chief Constable of Renfrewshire.

4613. *The Chairman*.—Will you state the number of licensed houses in the county of Renfrew? Will you mention first what burghs have a separate jurisdiction?—The burghs of Greenock, Paisley, Johnstone, and Port Glasgow have a separate jurisdiction.

4614. And the burgh of Renfrew?—Yes, it is also a burgh distinct from the county. That is five.

4615. But populous places such as Johnstone and Barrhead are in the county?—In Johnstone they get all the licences from the county. They are represented by the justices,—not by the magistrates.

4616. It is a police burgh only?—It is a police burgh, but the licences are got through the county.

4617. Would you tell us now the number of licensed houses in the county, excluding the burghs?—The population of the county in 1862 was 77,304, exclusive of burghs, and in 1876 it was 88,000; that is according to the last census. In 1862 the number of licensed publichouses, including hotels, was 220, and of grocers 53, or one for every 283 of the population; in 1876, licensed hotels and publichouses, 276; grocers, 70; or one for every 255 of the population.

4618. Has the increase in the number of houses been uniform over the county, or is it more in some districts than others?—It has been more uniform, with the exception of the eastern part of the county, where the population has mostly increased, and where licences have been more freely granted.

4619. Then the granting of licences has not been kept down by the justices?—They have great hesitation in granting licences unless a good reason for licensing is given.

4620. Do they grant grocers' licences more readily than publichouse licences?—The justices differ as to that. Some would grant them to very respectable grocers, and others would refuse. I think the majority would refuse, but still the others get them licensed.

4621. We have heard that in some counties at one time the justices granted grocers' licences pretty easily, thinking they were less injurious than publichouses, but they have seen cause to change their opinion. Do you think that is the case in Renfrewshire?—Well, there is a much stronger feeling now than there was against them at one time.

4622. Do the justices require that the grocer's shop should be of a considerable size in order to give a licence to it?—Those that have been last licensed were larger houses and higher rented houses; but as to those that have been licensed for a very long time, a number of them are low-rented, and I think unsuitable.

4623. But the justices are inclined to be more particular in regard to the class and character of the house,—is that so?—Yes; they don't report the same on the

grocers as they do on an ordinary publichouse licence, the same accommodation not being required. GLASGOW.

4624. Has this feeling among the justices, of greater reluctance to grant licences, proceeded from your reports?—They have my reports, but I think a great many of the justices were influenced by their own opinion. *Robert Hunter.*

4625. Have you had occasion to report particularly to the justices about the licensed grocers?—Not particularly.

4626. What have been the reports made to you about them? Have there been many irregularities among them?—The reports to me were not much against them. Those that they were against were of the lower class,—the lower-rented houses.

4627. Then is it the case that among the better class of licensed grocers you believe there are few irregularities?—My impression is that they are scarce.

4628. Among the lower class—the smaller houses—do you think there are many?—I believe that there are more than I am aware of,—much more. I am talking not from personal knowledge, but from my own belief.

4629. Your own belief, founded on the opinion of your officers?—Of officers and others as well.

4630. Do they tell you that they believe there is a good deal of irregularity going on, though they cannot prove it?—They say they suspect that it is done. They suspect this, that when people are buying groceries they are possibly getting drink as well.

4631. What is the nature of the irregularity that they suspect?—It is principally that when they are in the shop, they may drink—perhaps a small quantity. It is believed to be comparatively small; because there is little appearance of drunkenness seen outside.

4632. Just a little tippling in the house?—Tippling in the house.

4633. And are there cases of drinking before and after legal hours? Is there anything of that sort?—It is possible there may be, the same as in any other house.

4634. But one would suppose you would go a little beyond possibility. Have you reason to think that it does go on?—I don't think it goes on to any great extent,—not at all. I think it is generally confined to their ordinary hours of business.

4635. Have you had many prosecutions of grocers?—During that time we have had seventeen.

4636. Seventeen in fifteen years?—Yes.

4637. Are these grocers, do you think, extensively used by the working classes for getting spirits?—I think that they are to a considerable extent, but I think it is more immediately the lower classes.

4638. Have you reason to know that men or women use them most for getting spirits?—I think it is more confined to women.

4639. Do you think if the men want spirits they generally go to the publichouse?—I think so.

4640. Have you heard much about women getting spirits in grocers' shops?—There is a great deal said about it.

4641. It is matter of common talk?—Of common talk. I don't know that many that talk about it have good premises for what they say, and yet it is very possible that what they say may be quite true.

4642. Do you think that the law requires to be strengthened to enable the police to put down the irregularities that they believe to exist, but have a difficulty in detecting?—I think they should have at least as much power with the grocer as they have with the ordinary publichouse.

4643. *Mr Campbell Swinton*.—You say at least as much. Is there any mode by which you could give them more?—What I mean is that they should have as strong powers.

4644. The same powers?—The same powers.

4645. *The Chairman*.—Would you have any difficulty in using that power?—When a person goes into the publichouse, you know that he goes to buy liquor, and you are able to control the liquor traffic. But a great many people going to the grocers' shops must be going there to buy provisions. Would you feel any difficulty in your officers going often into the grocers' shops to see what was going on?—My impression is that if they

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Robert Hunter. 4646. *Sheriff Crichton*.—Would the officers not hesitate to go in?—No, it would be the officers' duty the same as to go to any other place, and I don't know why he should not go there the same as to any other place, if a breach of the law is being committed.

4647. *The Chairman*.—Is there any other way, do you think, by which you could have the trade better regulated besides the police having the power of entry?—I don't know.

4648. I suppose in regard to the smaller shops, women and sometimes children go with vessels to take away the spirits?—Yes.

4649. Do you think they often take it away in open vessels?—They do occasionally.

4650. In jugs and other vessels?—Yes, they take it away in that low way. It is sometimes the case at all events, and I believe that women of a low type of character are in the habit of doing so.

4651. Do you know if they often drink what they get just outside the door, or in the neighbourhood?—I think that is very limited. There may be instances of it, but I think it is very limited. I am afraid that there is an increase of women—neighbours and others who know one another—meeting together and getting drink. I think that is rather on the increase—not in the publichouse or grocer's house, but in their own houses. They send for the drink. They club together, as it is called.

4652. Is liquor taken out in grocers' carts through the country?—There is scarcely such a thing in our county. We had one suspected, and we got a conviction against him.

4653. But it is taken out, I suppose, for lawful delivery?—Oh yes, and it was a party who took it out for lawful delivery who also served families with it.

4654. But you don't think that is gone on with?—Not at all in our county.

4655. Is it your impression that the thing is curing itself—that the justices are getting stricter, and that by degrees the class of houses will be more respectable; or do you think it wants something more stringent than that?—My impression is this, that generally speaking the drinking custom has not been on the increase for some time. That is my impression. I don't think that generally it has. But certainly at times they drink a great deal more than at others, and that is at times when they have more money. But take it over all, I am not aware that the drinking system is very much on the increase.

4656. *Mr M'Lagan*.—Do you think there is not more drunk now in 1877 than there was in 1872, when the wages were about the same?—Yes; but the population is much greater.

4657. You think you should have more drunk as the population increases?—I don't apply it to drunk men altogether. I refer to drinking generally and the apparent effects.

4658. You mean a greater consumption of spirits?—Yes.

4659. Do you ever have any complaints from the members of your corps as to the difficulty they find in entering grocers' shops?—Certainly.

4660. And what reason do they give for it?—They require to have reason to believe that the drink is being taken before they can go in and search the house.

4661. Take the case of a publichouse at present, will any of your men enter a publichouse unless he has reason to believe that there is something illegal going on in that house?—They don't do it as a rule; but they do it sometimes if they think it is an irregular house—they will take advantage of going in at times when they are not expected.

4662. Suppose they had full power to enter a grocer's shop at any time, they would not enter unless they had reason to believe that there was something illegal going on?—Of course there is something in that too. But I believe they can contrive and manage to get drink more readily there.

4663. In the grocers'?—In the grocers'.

4664. Even though the police had full power, you think they would contrive to get drink more readily in the grocers'?—They would, for this reason, that if a person goes into a publichouse it is known that it is only for drink he is going there; but if a person goes into a grocer's shop it might be considered that he is going in for groceries.

4665. Are you in favour of separating the licence for selling drink from the grocer's licence, and having an independent man selling liquor?—Well, I think it would be as well.

4666. You think that would be an improvement?—I think it would be an improvement; but I should say that improvement would apply, as I have said already, more immediately to the low class of grocers.

4667. We would have great difficulty in making a distinction between the high class and the low class of grocers. We would not be able to draw a line of demarcation between them, so that I am afraid we would require to have the same law for both?—But I think if the rental were higher, a higher class of people would be licensed. I am led to believe that the respectable grocers whom I refer to conduct their business in a very respectable way, and I think there is scarcely such a thing in their premises as women getting drink as they do in the lower class of houses that I refer to.

4668. You cannot expect women of the lower class to get drink in the high class grocers; but do you think that women of the higher class don't get it in the same way?—They only get it that way.

4669. They get it home with them?—Yes.

4670. Are you aware of any cases of that kind in your district, where ladies or women in respectable positions get drink on the sly in that way?—I am not aware of any.

4671. Supposing the licence was taken away from the grocers, do you think your men would be more able to find out those who were committing any illegal acts than under the present system?—I think they have more to contend with at present.

4672. *The Chairman*.—Have you anything else to state?—There is one thing that has struck me as a very bad element in regard to the grocer's licence. I know it is the case that from time to time women are served with drink in those low houses, and it is entered as goods. I think that might be averted to some extent at all events, and perhaps to a very considerable extent, by providing that no grocer should sell any kind of spirits without writing down in the pass-book or order book the actual thing supplied.

4673. Would you make it a breach of certificate?—I would make it a breach of certificate. That is my idea, if there was anything intended to mislead or deceive. I think that would put a stop to it to a great extent, and for this reason: a grocer in serving his customer, although he was owing him a good deal of money, would not go to the court and ask it; he would rather run the risk of losing the money than run the risk of losing his licence.

4674. But have you any reason to believe that that is not an uncommon practice,—the practice of making false entries?—I believe it is, and I would be afraid with the lower class of people it may at first introduce drinking if they get it in that way, without their husband's knowledge, and having it entered as goods. I think it would be very apt to put a stop to it, because, although the customer and the grocer may be friendly enough, the grocer is looking to his own interest, and the customer would very often rather not pay if he could help it. And besides, they would be in the power of their customer, and not only the customer himself, but it might be known otherwise—by their children, &c. That is a matter that the police might possibly discover as well as any other breach of certificate.

4675. Have you anything else to state?—No.

132. *Mr JOHN JONES*, Chief Constable of Dumfriesshire.

4676. *The Chairman*.—Would you tell us the number of licensed houses in your county, exclusive of the

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burghs?—In 1861 the population of Dumfriesshire excluding the burghs of Annan and Dumfries, was 58,972, and in 1871 it was 56,907, showing a considerable reduction.

4677. What was the number of licensed houses at the same periods?—The number of licensed grocers in 1861 was 43.

4678. What was the number of all kinds of houses in that year?—In 1868 the number of hotels, public-houses, and licensed grocers was 103; in 1869, 105; 1870, 105; 1871, 105; 1872, 103; 1873, 98; 1874, 101; 1875, 101; 1876, 96; and 1877, 97.

4679. Can you give us the numbers separately?—The number of grocers in 1871 was 42, and in 1877, 37.

4680. What was the number of grocers in 1861?—The number of licensed grocers in 1861 was 43.

4681. What was the total number of licensed houses in that year?—I cannot give that. In 1868 the total number was 103.

4682. And the grocers in 1868?—In 1861 the population was 58,972; the number of licensed grocers, 43; unlicensed grocers, 343; hotels and publichouses, 70; number of convicted grocers, 1; number of persons apprehended, 542. I cannot give the number of drunk and incapable; I have no form in my book for that.

4683. Take now 1871?—The population in 1871 was 56,907; number of licensed grocers, 42; unlicensed grocers, 370; hotels and publichouses, 63; grocers convicted, 2; drunk and incapable, 31; persons apprehended, 889. I cannot give the number of drunk and incapable out of that number.

4684. Can you give us the figures for the last year?—I take the population as at the last census: Numbers of licensed grocers, 35; unlicensed grocers, 384; hotels and publichouses, 61; convictions of grocers, 1; persons found drunk and incapable, 64; persons apprehended during the year, 991.

4685. Have the magistrates been refusing new licences?—Yes, they have been refusing new licences as far as they possibly could, both for grocers, publichouses, and hotels, unless very good cause was shown. You will observe that the population has decreased, which is not the case in many parts of Scotland, and they have not seen any occasion whatever to increase the number of publichouses, but rather to reduce them.

4686. What has been your experience of the operation of the grocer's licence? Have you formed a general opinion about it?—I have paid some little attention to the question, but it is one of those subjects about which it is difficult to give a straightforward answer, and for this reason: the getting at offences by grocers is so very difficult that it is almost impossible in many instances to get at them at all. Although you know that offences are being committed against the Acts of Parliament constantly, there is not the means of obtaining that correct information which would lead to a conviction that can be got as regards publichouses.

4687. Is it your belief, from the reports of your officers, that there is frequent irregularity in some of the grocers' houses?—I am certain of it,—a very great number. But I must confine that to the lower class of dealers.

4688. You have some grocers in a large way whose houses are conducted as well as you could wish?—Yes, who would not sell a gill of whisky in a measure and who would not sell a pint of beer out of their shop. They are wholesale spirit-dealers more than anything else.

4689. I observe you have told Sir Robert Anstruther, when he asked the question, that the law is evaded by the less respectable grocers, and that a great many of them derive the most of their success and profits from the sale of spirits?—I am speaking of a very great number of persons who have grocers' licences, but, in point of fact they sell very little groceries. The greater part of their profits are obtained from the sale of spirits and ale. There may be a few sweeties or half a pound of sugar in the window, but, in point of fact their trade is in the sale of spirits and ale.

4690. Is it your opinion that the irregularity that takes place is drinking on the premises chiefly?—I know that drinking on the premises has taken place frequently,

although no convictions were got for it. In some cases we have convictions, but the impression on my mind from what I see, and from the reports which I receive from my officers, is that a very great deal of illicit traffic goes on, both in the morning before 8 o'clock and at night after the publichouses are closed. It is quite a frequent thing to see the shops of the description that I have now stated open at 6 o'clock in the morning, and people go into them and continue to go into them, and also after 11 o'clock at night.

4691. What is your opinion as to the change in the law that is desirable. How far would you go?—In the first place I am of opinion that grocers should not be allowed to sell unless in sealed bottles, and I would say in quarts,—not less.

4692. Then you want to break down the small tippling trade?—Yes. Second, I think the rental should be very much increased for grocers' licences. It is a difficult thing to say what that increase should be, because in some towns the rent is very high, while in others it is low. A house that would bring £50 in a large town could be got in villages very likely for half that sum. Hence I think a fixed sum of rental would not be attainable, although in one of the licensing Acts I see they have arrived at £40, £50, and £60.

4693. That is for hotels, is it not?—Yes.

4694. But possibly there might be a graduated scale, according to the population of the place?—That would hardly meet the point respecting the rental of the house; but I think there might be limitations. I may mention that many years ago, in Dumfriesshire, the justices had a committee, and they fixed what they thought a sufficient number of houses for certain districts in the county. That was kept up for ten or twelve years, but new circumstances occurred, and new justices came on the bench, and they did not think they were bound by any decision come to formerly, so that that rule broke through. But you will perceive that in the county of Dumfries on the whole the certificates have been very much reduced.

4695. *Sheriff Crichton*.—How would it do to leave the fixing of the rental to the licensing authority of each district?—They have it in their own hands now, because they can either license a house or not license it. It is an element they will take into consideration when licensing.

4696. *The Chairman*.—Recognising the difficulty of the case, you still think it desirable that a certain minimum limit should be put on the rental of the house?—That is my opinion.

4697. What more would you say?—I would make it a breach of certificate for grocers to supply a bottle and allow the persons to go outside the door and drink it just off the premises, or lend them a jug to drink two or three quarts of ale on the road,—that is, just to go outside and drink it immediately off the premises.

4698. That would be met by your provision as to sealed bottles, would it not?—Hardly, because they would draw the cork as soon as they got outside.

4699. How could the grocer help that?—Perhaps he could not; but I mean where it is carried on as a regular trade, and where he allows the bottles to be brought back. If a grocer supplies a bottle of whisky for the purpose of allowing persons to take it out and drink it outside his house, I consider that is just the same thing as allowing it to be drunk on the premises.

4700. *Mr Campbell Swinton*.—And the lending of a tumbler would prove complicity?—Yes, or a bottle. There is another point that has come under my observation. It is very annoying to those who have the looking after of the Public House Acts to find that doctors have taken upon themselves to grant lines—I think not very properly sometimes—for persons to obtain spirits from publicans and grocers.

4701. *The Chairman*.—At irregular hours?—At improper hours,—Saturday night and Sunday. Persons I know have been unwell in consequence of the drink they have taken before, and the medical officer has deemed it his duty perhaps. I am not casting any reflections on the medical gentlemen, but they have done what I consider to be very irregular in granting

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these certificates, and the publicans in supplying the drink. That has come under my notice once or twice. There was one case which came before the last Commission on publichouses, and I remember Professor Swinton investigated it very closely,—the case of a Dr MacKnight in Dumfries, who persisted in upholding that he was right in giving people spirits in that way.

4702. But you had a case lately?—Yes, we had a case lately of that description, but it very properly fell through, because the old lady to whom the liquor was granted was dying. She was ninety-eight or eighty-nine years of age, and was dying, and the doctor thought it necessary to give her a bottle of brandy and a bottle of ginger wine; and the woman died next day. Now, it did appear to me that it would have been proper for the doctor to have gone and seen the old lady, so as to have been able to judge how much it was proper she should take, but that was not done. However, I withdrew the case.

4703. Supposing that a patient—we shall say a woman in childbed—requires spirits on a Sunday, must not the doctor take upon himself to get it for her?—I think so; and I think he should then go to the policeman and say 'I want this: will you go with me and 'get it;' or go to a magistrate in the immediate neighbourhood and ask for an order or for his sanction. I think that should be made law.

4704. You think the practice of doctors giving these lines is liable to abuse?—I am satisfied, from my own knowledge, that a very great deal of abuse has been perpetrated by such conduct on the part of medical men. There is another point that I would bring under your observation, and that is that respectable females,—persons whom you would not suspect of such a thing,—when ordering their groceries order also spirits, ale, and porter and wines in small quantities, for home consumption. That has been brought under my notice. Now they certainly never would go to a publichouse for it. There should be some check upon that, although I don't see what remedy could be proposed.

4705. Can there be any check upon it except to separate the liquor trade from the provision trade?—I see none.

4706. *Mr Ferguson*.—Would you be prepared to go so far as to recommend that?—I would, except for the higher class of houses paying a rental say of £30 in villages and rural districts, and £50 in towns. In England I see the business is conducted on that principle. I have occasion weekly almost to go into a border county in England, and I find there a regular class of men who keep stores where bottles of ale, porter, or wine can be got; and that trade is conducted respectably.

4707. *The Chairman*.—Have you made yourself acquainted with the actual circumstances of that trade? I mean, do you know on what conditions these licences are granted?—No, I do not. I merely know the shops, and I believe they have a licence,—not an hotel licence. There is nothing consumed on the premises, I believe.

4708. *Mr Campbell Swinton*.—Do they sell groceries?—They do not. It is entirely apart from the grocery business. I believe these places are conducted with respectability and propriety, and they do a good trade; so that selling drink is not a necessary appendage to a grocer's business.

4709. *The Chairman*.—And resorting to such a house as that could give nothing to complain of in the associations like the publichouse?—Nothing.

4710. And they could not get the drink secretly?—No. There are plenty of females, and plenty of males too, to my certain knowledge, who go to these houses and take their dram on the sly, who would not think of entering a respectable hotel and taking it in sight of all who happened to be there.

4711. Giving a dram on the sly in such a house would be in itself an illegal act on the part of the shopkeeper?—No doubt of it; but the difficulty is to get at them. In fact it is an impossibility. It cannot be done unless under peculiar circumstances.

4712. *Mr Ferguson*.—I understand you think there should be a complete separation between the grocery

trade and the spirit trade?—I do. I see no necessity for the combination. But it may be very difficult just now to recommend such a sweeping measure as that.

4713. *The Chairman*.—But I think you except high-rented houses?—Yes; the magistrates taking care that the character of the person is above suspicion.

4714. *Mr Ferguson*.—And in the case of that class of licences which you have spoken of, I think you mean that these parties would not be selling groceries, but would simply be spirit merchants?—Simply spirit and wine merchants, and they would sell porter and ale; and it would all go out in sealed bottles.

4715. *The Chairman*.—Have you any other suggestion?—None, except that I coincide with my brother chief constable who lately gave his evidence, that all those informalities which we know take place with reference to grocers' licences, although they cannot be brought up at the present time, should be made breaches of certificate, so that they might be brought before the court and investigated. I think that is a very proper suggestion.

4716. *Sheriff Crichton*.—Have you any opinion as to the hours,—whether they should be shortened?—That is, supposing the grocers' licences are to be kept on. I think grocers should not be allowed to sell spirits, ale, or porter before 10 or 11 o'clock in the morning. They profess to sell for home consumption and for family use, and it cannot be wanted for that purpose at 6 or 7 o'clock in the morning. A publican or a hotel-keeper is debarred from opening his house for selling to persons living in the neighbourhood, till 8 o'clock in the morning; and I believe the fact is undoubted that quantities of spirits, ale, and porter are got from these places before 8 o'clock in the morning.

4717. *Mr M'Lagan*.—We have it in evidence that no licensed grocer should be allowed to open his shop before 10 o'clock in the morning?—That would be depriving him of what should be his legitimate trade. I could hardly go so far as that.

4718. *Mr Campbell Swinton*.—Would it not be safer not to let him open at all before 8, than to let him open early as he does just now, but not sell spirits till 10?—That is a matter for the legislature. I am quite of opinion that if a man wishes to sell spirits and ale, he should be put in the same position exactly as the publican,—that he should not have any advantage over the legitimate business of selling spirits and ale by a publican or hotel-keeper. I think it very unfair that he should open his shop before the proper time.

4719. *Sheriff Crichton*.—Do any of the grocers in Dumfriesshire send out carts to the country?—I don't know one, unless the articles are ordered beforehand. I know of nothing like hawking.

4720. Then that practice does not exist in Dumfriesshire?—It does not exist in Dumfriesshire.

4721. *Mr M'Lagan*.—I don't think you mentioned, among your remedies, that of giving the police the same power of entering grocers' shops as publichouses?—I have not mentioned that, but I don't see why the grocers should have the advantage of the exclusion of the police any more than the publican. They have the same licence. Of course the power must be used by the police with very great discretion. They must not enter a high class establishment, and pry into the back rooms and places, unless they have very strong grounds indeed. I have no doubt that any chief constable would check such a practice, and would not allow it.

4722. *Sheriff Crichton*.—Have any of the grocers in Dumfriesshire their dwellings attached to their shops?—Not the larger grocers.

4723. Have the smaller ones?—The smaller ones have.

4724. Does that prevail to any extent in Dumfriesshire?—Yes, in the country places.

4725. Is that prejudicial at all, do you think?—A great deal of temptation is attached to it. I should like to suggest one thing, and that is as to sending children for drink. As the law at present stands, it has been held that if children are sent by their parents or by any person for liquor in open vessels, that is not an offence against the Act of Parliament, they not being the purchasers. There is a difference of opinion as to the

meaning of the Act of Parliament. Of course the law has been decided by the High Court, but there is an opinion prevailing among a very great number of gentlemen that children under fourteen years of age should not be allowed to go with open vessels for ale, porter, or whisky, as it may give them a taste for liquors, and as it enables them to see scenes and people that they should not see.

4726. Have you any difficulty in carrying out the provisions of the Act with reference to the drunk and incapable in the country districts of Dumfriesshire?—I saw the evidence of Mr Davidson, the chief constable, and he puts the matter pretty plainly: the fine is only 5s., and it would cost about 14s.; consequently the person is allowed to go, sometimes, in the country districts. In Dumfriesshire they are generally allowed to go away, and they are brought up again and prosecuted, especially in the burghs. We have very little drunk and incapable in the country districts; it is principally in burghs, under the Lindsay Act and under the old burgh Acts. I don't think it applies much; but in country districts I should say let the man go, rather than drag him ten or twelve miles and confine him twenty-four hours.

4727. *Mr Campbell Scintion*.—Would it be an advantage to raise the fine?—In some instances I think it would be proper that the fine should be raised.

4728. In England it rises according to the number of convictions, does it not?—I am not aware; but I have seen men fined 10s. in England for being drunk and incapable, and that is very moderate, I think, seeing that one drunk man will take a policeman off his beat for half an hour carrying him to the police station, and taking care of him.

4729. *Sheriff Crichton*.—And costs are awarded also in England?—Yes. Would you allow me to hand in a return called for by the Commission, and two tables, one giving the number of licences granted in the county from 1868 to 1877, and the other giving the number of convictions against licensed grocers in the county for the same period.

4730. *The Chairman*.—I am told by the superintendent of the burgh police in Dumfries that the use of beer is taking the place of spirits a good deal in the town. Do you think that is the case in the county?—Certainly Mr Malcolm the superintendent of police should have a better opportunity than I have of judging what takes place in Dumfries.

4731. But do you think that is the case in the county?—It is certainly not the case in the county.

4732. It has been represented by a good many people that in small country villages the licence could not be taken from grocers altogether without inconvenience, and that at all events it should be continued for wine and beer, and that that might tend to encourage the use of more harmless liquors?—Less evil would arise most unquestionably from such a practice; but I doubt if it would pay the value of the licence. There is no doubt whisky is the national drink for Scotland, and the poorer classes take their whisky and their toddy.

4733. There is a marked contrast between the number of licensed publichouses in the county and in the burgh of Dumfries. No doubt those in the burgh of Dumfries are largely used by the county people on market days and so forth?—Yes.

4734. And that would rather tend to equalise the real proportion?—Yes; Dumfries is a market town, and requires a great deal of accommodation on Wednesdays and market days. I do not know if your attention has been drawn to the fact that the police and the Parliamentary boundaries in some places clash. For instance, at Dumfries the magistrates grant licences within the Parliamentary boundary, which is under the supervision of the police of the county. The whole duty of the magistrates is to grant the licence, and I merely suggest that that appears to me to be somewhat inconsistent, because the police under their control have no means of reporting offences against these parties. I think that anomaly should be remedied if possible.

4735. That is to say, the municipal boundary should correspond with the police boundary?—Yes. The

magistrates of Dumfries have on all occasions rendered me every facility, and allowed me to mention anything; but it is an anomaly that should be remedied. There is just one other matter, and that is respecting the committees under the Cameron Act. My experience of these committees has certainly not been what was anticipated in the county of Dumfries. For instance, I will take one case. In the burgh of Dumfries there are a certain number of magistrates with the burgh magistrates to sit after the licence is granted by the burgh; the chairman of that committee is the provost, and as far as the county is concerned they certainly can have no say, because the provost has the casting vote with the same number of committee sitting; so that it is a farce for the county magistrates to sit in any such case.

4736. *Sheriff Crichton*.—Do you mean that the burgh magistrates have it all their own way?—Clearly. I don't find any fault. It is the result of the law. There is no fault to find with the magistrates. They are merely doing what they consider to be their duty, but still it seems a farce to ask so many magistrates from the county to sit as the committee when they have no power when they get there.

4737. *The Chairman*.—Is that the general county appeal committee?—Yes; but I am taking the burgh of Dumfries alone.

4738. Where it concerns a burgh licensing question, the burgh magistrate must be in the chair?—Yes.

4739. *Sheriff Crichton*.—Does the court consist of three burgh magistrates and the provost?—Yes.

4740. *The Chairman*.—The practical effect of that in the case to which you refer has been that the licences have been sustained in spite of the county?—Yes. I am merely saying that the part of the committee belonging to the county is a useless appendage. If the magistrates of the burgh make up their minds to grant a licence, anything that the county magistrate says is of no use. Another point, so far as the Cameron Act is concerned, is that I find in many instances that a number of justices sitting in the lower court—say seven or eight—grant licences, but that is revised by a committee of three. I think that is wrong.

4741. *Mr M'Lagan*.—They are elected, are they not?—Yes, but I think they should not have the power. I am finding no fault except that I think the Act of Parliament is wrong.

4742. *The Chairman*.—You think it is wrong that the smaller body should revise the larger?—Yes, especially as the smaller body has not that knowledge of the circumstances which the larger body had when granting or refusing the licence.

4743. Has it not been matter of complaint that a fluctuating and uncertain licensing body is less satisfactory than a fixed and responsible body?—Both bodies should be responsible; but what appears to me to be strange is that the smaller body, who cannot have so much knowledge of the circumstances, should have the power to veto what has been done by the larger body, who had all the circumstances before them in the court below.

4744. But how would you apply the remedy? Would you reduce the number in the court below, or would you increase the number in the court above?—I don't think it is any improvement on the old quarter sessions, where the whole body met and decided. The old quarter sessions appears to me to be the remedy.

4745. Did that not lead to canvassing and very irregular decisions?—I understand that it did so in many places, but I cannot say that it was the case in Dumfriesshire. I believe it was not the case.

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133. ALEXANDER OSBORNE, Esq., Treasurer of the City *Alex. Osborne.*
of Glasgow.

4746. *The Chairman*.—I understand that you have considerable experience as a merchant among the licensed and unlicensed grocers?—My particular trade has led me among them very much.

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4748. Then you supply the dealers?—Yes. It is fifteen years since I entered the Town Council, and about ten years since I was elected a magistrate. While a magistrate I devoted my attention very much to the licensing of houses for the sale of excisable liquors. The question with reference to the grocers' licences came very often before the magistrates. The complaint was urged, which I have seen urged also before this Commission, that many men's wives were supplied with intoxicating liquors, unknown to their husbands, by grocers. I may say that the magistrates gave a good deal of attention to that matter, and we were quite unable at any time to find any evidence of such a thing being done. I myself personally have taken some pains, in my intercourse with grocers for a great many years back, to learn if such a thing was done generally, or at all. I have inquired at many grocers, both in town and country, and I have found some who have said that such was asked by men's wives sometimes. I have never, of course, got any to say that ever it was given; and I believe that it is not as a rule given, or even as an exception. The very last party that I inquired at said to me, 'Surely the people who say so think grocers are fools; if a wife attempts to deceive her husband, we would never expect to be paid our account, because she would next attempt to deceive the grocer;' and I think myself that is only common sense, and very likely it is true generally, if not universally. I believe that this inquiry is to ascertain whether grocers' licences are injurious to the community generally—not as between trade and trade, neither between the publican and the grocer, nor between the grocer licensed or unlicensed; and my impression is that the grocers' licences do less evil, according to their number, than the licences to publichouses. I think the public, as a public, don't complain of grocers' licences. A class of the public may do so. I read Lord Provost Bain's evidence, and I generally agree with it; and I think a large portion of the public would much prefer having any liquors they required supplied from their grocer rather than from the publican. We don't like to have our intoxicating liquors—those who use them don't wish to have them—separated from our food supply.

4749. When you say 'we,' who do you mean?—The public.

4750. *Mr M'Lagan.*—I think you divided the public into two classes—one class who approve, and the other who don't approve?—I am not of that class who don't approve. I don't belong to the teetotal party, and consequently I recognise myself as using moderately intoxicating liquors. I use them at my table, and I think it is unfair to compel me to go to the public-house to buy these liquors, which are used along with articles of food; it is unfair to separate them till we are prepared to say that they should not be used at all in the country.

4751. Would you give a licence to a baker?—I have no objection. It is not a wrong thing, if it is thought in the interest of the public that the baker should have it. I don't think a licence would be misused by a baker. I think it is wrong to think that a party not having a licence would misuse that licence, if he had it, any more than a publican would do. I may state that in Glasgow we have perhaps 1100 grocers, or thereby—retail grocers doing business supplying the public with groceries. Of that number there are under 300 licensed. I believe the remaining 900, or thereby, do not in any way complain that a portion of their number are licensed. I have never heard such a complaint from them.

4752. *The Chairman.*—But the fact is that in speaking of the licensed trade of Glasgow, you are speaking of a much smaller class in proportion to the number of grocers that you find in many localities. For instance in Edinburgh we were told that nearly every grocer in a considerable way of business is licensed; whereas in Glasgow they have been kept within a very small number, and these, we have been

told, may be called generally respectable family grocers?—I think it should be to the advantage of Edinburgh that such is the case. I would rather see 1500 grocers licensed in Glasgow and 270 publichouses, than the way in which we stand at present.

4753. How would it be if you had half that number of publichouses, and still that number of grocers?—I think it would be all in the interest of the community at large.

4754. To reduce the number of publichouses?—Yes. I don't say that we should necessarily increase the number of grocers' licences, but if an increase is to take place at all, I think it should be in that direction. Much has been said against home drinking, but I think drinking, if it is to be indulged in at all, should be done at home, whether among the better class of the population or among the working classes, rather than in the publichouse. I think the worst place for it is in the publichouse. The previous witness made a suggestion which I wished to put before the Commissioners, with reference to the grocers having licences—not so much in Glasgow, because I believe the thing does not occur in Glasgow, but I refer to grocers who sell liquor not to be consumed on the premises, and who yet sell it to be consumed immediately outside the premises,—practically on their premises, but beyond the door. Now, I think it would be well if the Irish law were introduced into Scotland with regard to that.

4755. You know the Irish law makes the grocer responsible if a man drinks the spirits on the road opposite his house?—I think it would be a desirable thing to have that introduced into Scotland. In country districts there are great complaints about this,—in districts where there are no publichouses, the places in front of the grocers' premises are rendered a nuisance to all in the neighbourhood. At the place where I live at the coast there are no publichouses, but we have one licensed house that supplies liquor very freely, though the grocer knows quite well it is to be consumed immediately beyond his own door, and provides seats for the purpose. I think that should be regarded as a violation of the certificate, and I would have the law altered to that effect.

4756. How could a grocer help a man buying a pint bottle sealed, and drawing the cork and drinking it across the road?—He could not help it. If it were shown that the party does it unknown to the grocer, there would be no complaint against the grocer, but the case I refer to is where it is continuously done, and where it is supplied more than once to the same party for the purpose of doing it. Of course in all violations of certificate there must be evidence to prove that it was done knowingly.

4757. The prosecutor would have to show the wilfulness?—Quite so, and I don't think it would be difficult to do in many cases. Immediately on crossing the threshold of the door, a party is free to drink at present. As to the hours of opening and closing, I think it would be a very desirable thing that the grocers should be obliged to open at the same hour for the sale of all the goods that they have to dispose of as the publichouses, and I think it would be well if both were compelled to close perhaps an hour or two earlier than they do at present.

4758. What do you say as to the proposed restriction to sealed bottles?—I think it would be of no use at all. I think if parties are allowed to buy liquor it should be entirely in the option of the buyer how much he is to buy,—from a gill to a gallon.

4759. But do you think they should be obliged to buy it in sealed bottles so as to secure that it was really taken away and not consumed on the premises?—I cannot understand how that would be of any advantage.

4760. We have had evidence that in many places they bring jugs and get a small measure of whisky to take away, or they bring their own bottle and have a cork shoved in for the moment?—I have seen that evidence. It may be so; but from my own observation I think that occurs more frequently in publichouses than in grocers' shops.

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4761. We have had evidence of it as to grocers' shops, and we must take it that it does exist in some places. It has been suggested that there should be a quart bottle restriction, but you say that would be useless. Why would it be useless?—Parties wishing to buy will not be prevented from buying it though they should pay the price of a bottle.

4762. But parties wishing to drink?—In the place?

4763. Yes.—The cork is very easily taken out.

4764. But it is said that it is sipped on the way home?—I think that is a mere imagination. There is no evidence of it.

4765. *Mr Campbell Swinton*.—Do you not think that a child sent by its mother to buy whisky, and taking it home in an open vessel, seeing how much its mother enjoyed the liquor, would be led by natural curiosity to take a suck at it as it went on?—That may be so, but it might happen with liquor got from one shop as well as another. I cannot see how the grocer selling it makes any difference as compared with the publican selling it. I have no objection to have it all corked up.

4766. Do the women send their children to the publican's as readily as to the grocer's?—Quite so. When mothers are so degraded as to send their children for drink, they will send as readily to the publican as to the grocer.

4767. But they are not necessarily degraded?—I think it is a condition of degradation. If it is not very far down, it is going downwards at all events.

4768. *Mr M'Lagan*.—Your observations and experience extend principally to the licensed grocers of Glasgow, do they not?—Yes, but the magistrates in Glasgow have had a good deal to do with the licensing and inspection of publichouses. While I was a magistrate we adopted a resolution to close all the back doors of publichouses, and that was done.

4769. That was in Glasgow?—Yes, my experience has only been in Glasgow.

4770. You have had no experience of the operation of the law in the country?—No, except in country districts where I have gone occasionally. With reference to sealed bottles, I think if mothers will persist in sending children out for small quantities of liquor in open dishes, it would be much better for the child's sake that the child should get it in a respectable grocer's shop, than that it should be sent to a publichouse, where it might hear expressions that it would not hear in the grocer's. The mother would not send her child so readily to the publichouse, and it would do a great deal more injury to the child to send it to the publichouse than to a grocer's.

4771. *Mr Campbell Swinton*.—Would it not be an improvement if sending children at all were prohibited?—I think it would be a great improvement not to allow children to get drink at all, even as messengers. I think that is really the law, though it has not been read so in Glasgow. I think no child under fourteen should be allowed to be a messenger for drink at all.

134. COMMANDER HARDY, M'HARDY, R.N., Chief Constable of Ayrshire.

4772. *The Chairman*.—We had evidence yesterday from your superintendent in North Ayrshire, but as you are here, perhaps you will tell us something about the south end of the county. Did he speak exclusively of North Ayrshire?—I think the figures he gave referred to the whole county.

4773. Though you have only been a short time chief constable, you have been informing yourself a good deal on this particular subject?—Yes, since it has been a matter of inquiry.

4774.—Speaking generally, would you tell the Commission if you have reason to believe that there is extensive irregularity amongst the licensed grocers?—Yes, I am quite sure there is,—very extensive.

4775. Is that throughout, or is it in certain localities?

—In those localities where the licensed grocers are most numerous.

4776. Have the licences been more numerous granted in some districts than in others?—Yes, taking the whole county throughout, the increase in number has not been proportionate to the increase of the population, but in the parishes of Irvine, Dundonald, and Dalry, the increase has been greater than in proportion to the population.

4777. Are these licences both of publichouses and of grocers?—I am referring to grocers' licences only.

4778. But have they been freely granted to both classes of houses?—Yes.

4779. And in these districts has there been an increase of drinking and drunkenness?—There is a considerable amount of drinking and drunkenness. The returns show an increase of drunk and incapable throughout the county, but I cannot say the increase has been greater in those parts of the county in which the number of licensed grocers has increased.

4780. But have you received from your officers distinct statements of irregularities which they believe to prevail amongst the licensed grocers?—Yes, and I have had my attention called to that by different police reports, giving particulars of cases reported for breach of certificate on the part of grocers; and in the evidence it has occurred occasionally that a witness has said that he heard the grocer threatened that if he did not supply the liquor on this occasion, which he had perhaps refused to supply because there was a bill run up unpaid,—if he did not give him what he wanted, he would take care to stop all his sale of drink on Sunday. That has been used as a threat to the grocers in different forms, and when I inquired what this meant, it was explained to me that it meant he would keep a watch on the grocer's shop on the Sunday, and if the trade went on as usual he would report him, and in that way he would have his revenge. And I have known by the report that under this threat the grocer has supplied the liquor which he before refused to supply. Evidence of that sort makes me feel sure that the law is constantly contravened.

4781. *Sheriff Crichton*.—And sometimes against the wish of the grocer, according to that view of it; you say the grocer would not supply the liquor unless he had been threatened?—His reason for not supplying the liquor was because he did not want to supply a man who owed him a £10 note.

4782.—Do these irregularities take place in populous places or in small places? Do they take place in the towns or only in the villages?—The cases that I know most about are in the very populous places, but there the police force is larger, and they have more opportunities of making themselves acquainted with the circumstances.

4783. *The Chairman*.—Then they may take place also in the small villages, but you do not hear so much about it there?—No. I find that in the populous places these licensed grocers have communications most convenient with their dwelling-houses for breaking the law. It is remarkable in one part of the county the number of grocers' shops that have an entrance to the back premises of the grocer by a close, where numbers of inhabitants have to pass up to their dwelling-houses; and there is nothing to prevent the grocer from passing spirits out through the entrance that is in the close from the shop which has its public entrance from the street.

4784. But now, when new licences or renewals are applied for, is it not pointed out to the magistrates that the premises are unsuitable?—I think that very often the magistrates do not realise how very difficult it is to get a conviction; and when a man has had no conviction against him, they think it is hardly fair to deprive him of his certificate, and the consequence is that it is renewed.

4785. Is there not increased reluctance now to grant these grocers' licences compared with what there was? This year, for example, have the magistrates been less ready to grant the licences?—There is a slight increase this year on last year. In some districts there might be a

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decrease; but in the district in which there is by far the larger proportion of licensed grocers to the population, there was a slight increase this year. That is the district in which there are 66 licensed grocers to 66 unlicensed grocers; whereas throughout the whole county, the proportion is less than 1 licensed grocer to 4 of the unlicensed grocers.

4786. What district is that?—It is the parishes of Kilwinning, Irvine, and Dundonald.

4787. But that is rather a notorious district, is it not, for the number of licences?—Yes.

4788. *Mr Campbell Swinton*.—That rather indicates an opinion on the part of the justices in that district that grocers' licences are not so injurious to the community as they are generally supposed to be, does it not, if they go on multiplying them?—I can hardly say, but there is a large proportion in Dalry also.

4789. *Mr Ferguson*.—Do the justices often refuse licences when they are applied for? They seem to have been giving them liberally?—I don't think they often refuse a renewal, but with new licences, they hesitate more in granting them.

4790. *The Chairman*.—Are you aware of cases of false entries in passbooks to cover the sale of liquor? *Mr Menzies* told us of some cases, but are you aware of others besides what he stated?—I have seen some six or eight passbooks in which there was an item put down as 'goods' or 'pop,' and that, I have been told, was for spirits. I can see no reason for putting it down in that way unless it was to conceal what had been supplied.

4791. You were told that by some of your officers?—Yes.

4792. From whom did they hear it?—I have not been able to learn why they used these terms 'goods' and 'pop,' because they seem to me to be so generally used for whisky that there could really be very little concealment about it. I have not been able to obtain any explanation of that. A woman to whom these passbooks belonged, in a case where a grocer had left the place or had ceased business, said that these items did mean whisky, but I have not had any explanation why it was entered in that manner.

4793. Then, if it is so common, it could hardly have deceived even the most careless husband?—I should have thought not.

4794. Do you think that any further restrictions—any further powers given to the police—would enable you to check these irregularities?—If the premises were constructed in a manner suitable for carrying on the trade respectably the police would be much better able to check contraventions.

4795. Are the houses where the irregularities prevail generally very small houses, or are they of all sizes?—If the very small houses were done away with, the greater part of the irregularities would be done away with. By far the greater number of them occur in the very small houses. The larger proportion of the houses are very small in Ayrshire, 44 out of the 182 of them are under £10 rental.

4796. *Sheriff Crichton*.—Is that for the whole county?—Yes.

4797. *The Chairman*.—Is there anything else you wish to state?—I may explain why, in answering your questions, I stated that I believed the sale of spirits by grocers to be extensive and increasing. There is no doubt that it is extensive, but the increase in the sale of spirits is not accounted for by the number of grocers' licences that have been issued. In fact, they have not increased in quite so great a proportion as the population; but what I felt justified me in saying that the sale of spirits had increased was the reason I have for believing that there are each year a greater number of grocers who more entirely depend for the profit and success of their trade on the sale of spirits. That is the opinion of all those whom I have consulted as best able to furnish me with reliable information on this subject.

135. Provost ORKNEY, Rothesay;
136. Mr WM. HERBERT, Writer, Rothesay, } examined.

4798. *The Chairman*.—Mr Herbert, you are procurator-fiscal for the county of Bute, including the burghs of Rothesay and Millport?—I am.

4799. (*To Provost Orkney*).—Would you tell us the number of licences in the burgh of Rothesay?—There are 7 hotels, 23 publichouses, and 19 grocers' licences: in all 49. The holder of one of these grocers' licences does not sell groceries, but only spirits.

4800. I see that is an increase of 3 grocers over the number ten years ago?—I have got the figures as far back as 1870. The grocers in that year were 19. *Mr Herbert*.—The Chairman is quite right. It is an increase of 3 over the number in 1867.

4801. Are the magistrates endeavouring to keep down the number of grocers' licences, or do they grant them to all respectable applicants?—*Provost Orkney*.—We are keeping them down as much as we can.

4802. You desire not to increase them?—Not particularly.

4803. Do you know how many unlicensed grocers there are in Rothesay?—I should think about an equal number with those who are licensed. There are some small shops not worth enumerating, but shops of a fairish good class are about equal in number to the licensed grocers. *Mr Herbert*.—There are about 20 respectable shops not having licences.

4804. Supposing there was a grocer in a large way of business in the town who applied to you next year for a licence, when his neighbour in the next street in an equal way of business has not got one, should you on terms of fairness grant that licence, or should you say, 'No; we have got enough already'?—*Provost Orkney*.—As a rule the magistrates have not discouraged grocers from applying for licences. They have rather favoured grocers' licences than publichouse licences, so far as I know.

4805. In fact, has it been considered rather an advantage that the liquor should be obtainable at the grocers'?—We think so, in Rothesay, for family use. *Mr Herbert*.—But the magistrates would hesitate about granting an increase. *Provost Orkney*.—We are not in favour of increasing the number any more than we can help. The feeling is rather to keep them down, and not to increase them.

4806. I suppose it is an advantage to a grocer to be able to sell both kinds of commodities?—I think so, and it is an advantage to his customers as well. For instance, families coming to Rothesay in summer, so far as I know, considerably prefer to go to a grocer's for their supplies of wines and spirits to going to a public-house for them.

4807. Then, a family wanting a supply would naturally go to a grocer who could supply them with all they wanted?—Yes.

4808. And if one man could supply them with their bottled beer, and possibly their wine and brandy, and another could not, they would go to the licensed grocer?—Yes.

4809. Then, are you not giving a great advantage to one tradesman over another in granting a licence to one and refusing it to another?—That may arise from different causes. Shopkeepers have different kinds of trades. Perhaps those who have not applied for a licence have a different class of customers, who do not wish to be supplied in that way so much. That is the only way in which I can account for it.

4810. But, as matter of fact, have you refused any respectable grocers who have applied for licences?—I cannot say that we have. I think as a rule respectable grocers having suitable premises have got a licence when they applied for it.

4811. *Mr M'Lagan*.—I think you said you did not wish to increase the licences?—Yes. The feeling, I think, is generally in favour of keeping things as they have been for some time past; but Rothesay is a growing place, of course.

4812. *The Chairman*.—But still you think that if a

respectable grocer applied for a licence, it would be a new thing to refuse it?—I may say that of late the feeling has been stronger against having any increase of licences. We have a large body of Good Templars in our town who make a decided objection to either publichouse or grocers' licences being given; and public opinion being strong from that party, the magistrates would be careful not to increase the number if possible. They would not do anything to encourage parties applying for them.

4813. Are you aware whether any of the licensed grocers' houses have changed hands lately?—No, I think not; there are none that I can remember just now. The publichouses frequently change hands, which we do not like very well, because some people make a business of getting a publichouse and putting it in good order and then selling it to advantage, which I for one quite disapprove of; but they have the power of doing such things.

4814. Perhaps Mr Herbert can tell us with regard to that: Do you know of any licensed grocers' houses that have changed hands lately?—*Mr Herbert*.—Not lately.

4815. Have you known of any so lately as within the last five years?—Yes; there have been some within the last five years.

4816. Have you any idea what has been paid for the good-will of the business?—Very little beyond the value of the stock. Indeed, I know of one transaction that was actually completed, Mr Heron's, where the sum paid was very small,—only a little more than the value of the stock.

4817. But, Provost Orkney, from the influence of those who wish the licences kept down in number, it would come to be rather a monopoly in a few hands, and then the action of the magistrates would be enhancing the value of one class of business, would it not?—*Provost Orkney*.—Yes, decidedly.

4818. How would you meet that objection?—I would let the bonus go to the public rates in some way or other,—to the police-rates or to the poor-rates.

4819. In short, you would make the man who got the advantage pay more dearly for it?—Yes. I would not allow the bonus to go into private hands. I would allow the merchant to get a little for his good-will, but the principal part of the bonus should go either to the police-rates or to the poor-rates.

4820. By either exacting a higher licence duty or in some other way?—Yes.

4821. Are you aware if there have been any irregularities among any of the licensed grocers?—I have here a note of the convictions for the last eight years, which amount to four.

4822. Do you think that fairly represents the amount of offences, or have you any reason to think that among any part of the licensed grocers there is much irregularity which is not detected?—I think not, not in Rothesay. *Mr Herbert*.—I quite agree with that. *Provost Orkney*.—The grocers who hold the licence are all respectable, and conduct their businesses in a very respectable way, so far as I can see. *Mr Herbert*.—Two of these four convictions which have been obtained within the last eight or nine years were against the same person.

4823. *Sheriff Crichton*.—Does he still hold the licence?—He does.

4824. *The Chairman*.—Then, Provost Orkney, is it your opinion that there should be any restriction upon the amount of liquor that a grocer should sell, requiring him to sell not less than a quart, for instance?—*Provost Orkney*.—I think not.

4825. You would leave it unrestricted?—Yes. I would take care, first of all, to have the business in the hands of highly respectable parties.

4826. But we have heard a great deal of the temptation that is offered to women, by their being able to get liquor at the same place where they buy their groceries, to take away small quantities of liquor for consumption at home. Have you any opinion upon that matter?—I am not aware of anything to justify that statement, at least not to any great extent.

4827. You have not heard any such complaints?—No, nothing to speak of. *Mr Herbert*.—I think the

Provost will agree with me in saying that, in a place like Rothesay, where there are such great numbers of visitors in the summer season, it is a great public convenience to have the grocers selling spirits. In summer the population is more than double what it is in winter as a rule.

4828. I should like to see what that view amounts to exactly. The families that come there in the summer season do not wish to bring their supplies with them from Glasgow, but they wish to get them in the place with as little trouble as possible?—Yes.

4829. Now supposing they had to go to a grocer for their groceries and to a spirit-dealer for their spirits and wines, would there be much inconvenience in that?—There would be a little inconvenience. There would be the sending to a separate shop, and perhaps it might put the person going to some temptation through having to go into a publichouse instead of to a grocer's.

4830. But I am not talking of publichouses. I am talking of dealers in wines and spirits, and the Provost told us there was one person in Rothesay having a grocer's licence who did not sell groceries. Is that a house of any size?—Yes; it is a very respectable house.

4831. Then, what practical inconvenience is there in a person having to go to such a house as that for his supplies of beer, wine, and spirits, and to a grocer's pure and simple for his provisions?—It would simply be that if the grocer had the licence, the person could get the whole of his supplies at one shop and in one account, and have no trouble with it, and that would be a convenience in many cases where a working man or a small family required only a quart bottle of whisky or a pint. It is more convenient in many cases, where people come to the coast from a Saturday till a Monday, to get that at the grocer's.

4832. But there may be many things that a man may want in his house in a very small quantity?—There may be.

4833. And yet he cannot get his pepper from his baker and so forth?—No.

4834. He has to go to his green-grocer and other tradesmen for things which they respectively sell. Is there any necessity in point of convenience for these two things, his tea and his beer, being got in the same shop?—*Provost Orkney*.—Nothing except the custom of the trade. People's habits are formed, and the trade has grown in this sort of way. That is the only answer we can give you. The other trade has scarcely commenced with us, I may say, because there is only one house of that kind as yet, but the other trade has grown and exists.

4835. *Mr M'Lagan*.—Is it not the fact that there were cases where grocers sold bread as well as groceries?—Yes. I believe a number of grocers do sell bread still.

4836. That is in the country districts?—Yes.

4837. But not as a rule?—No.

4838. Bread is not called groceries?—No, although the grocers' shops often have bread for sale, and just for the reason I have mentioned, because it is a convenience to their customers. There is the one buying and the one sending home and the one account. That is the principal reason, I think, why the grocers have bread. Their customers get all their wants supplied without going to different places. The same practice is being followed in other trades. In the large wholesale houses in Glasgow, in the line of business with which I am personally connected, such as Arthur & Co. and Stewart & Macdonald, they include all kinds of things in their business, because it saves people's time in going to different warehouses, and the one account does. *Mr Herbert*.—There is also the element of distance. A party wanting a small quantity of any article might have to go a long way for it,—at all events in a country district.

4839. *The Chairman*.—Then do you think it is desirable to insure the respectability of the trade that there should be a certain value required before a house is licensed? *Provost Orkney*.—I think a good deal should be left to the discretion of the magistrates. I think they might have a discretion in a matter of that kind.

4840. But suppose it turns out that sometimes very

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small and poor places have been licensed. I would not approve of very small and poor places being licensed. I would like in every case the premises to be respectable, and the party to be highly respectable, leaving it to the discretion of the magistrates not to give it to a place or a person that was not of that character.

4841. Then, in point of fact, the magistrates in Rothesay require the premises to be respectable?—Yes, in every case.

4842. And, of course, the fact that the law required that to be the rule would not affect you?—No; it would not affect us in any way, so far as I know. At present the magistrates make it a rule to go and inspect the premises for which a licence is asked.

4843. What annual value would you expect a house to bear to entitle it to a grocer's licence?—In Rothesay the value of property has increased so much of late that houses let a few years ago at £10 would now bring £15 a year, and in some cases a good deal more.

4844. Would you give a spirit licence to a £10 house now?—I would not be in favour of it. It might be quite safe and quite right in exceptional cases, but I would not be in favour of giving it to such a low-rented house. *Mr Herbert*.—There are none of them so low-rented as that; but it very much depends on the situation of the house, whether it is to the front or the back, and what street it is in. It would be very difficult to make rules for that.

4845. Then we understand that you think, from your experience, that the present law has worked well, and you don't think it requires alteration?—*Provost Orkney*.—Not so far as I see. I observe, from what I have heard in this room, and what I have read in the papers, that it is said that people engaged in this trade give beer or wine or spirits to their customers and put them down as goods. I would have such an offence punishable with breach of certificate or something of that kind. I certainly approve of that. I believe there is a clause in the Publichouses Act providing that people selling spirits in publichouses, who give spirits or whatever they want to people for goods, commit an offence which may be punished by breach of certificate; and I should like the same clause to apply to grocers' licences, that people giving liquors to any person and entering them as grocery goods should be most severely punished,—punished perhaps with the loss of certificate. I would be quite in favour of having the existing laws affecting grocers and publicans strictly enforced.

4846. Do you, *Mr Herbert*, concur generally in what the Provost has said?—*Mr Herbert*.—Yes.

4847. Is there anything else you wish to add?—*Provost Orkney*.—I may say that this is a matter that I have thought a good deal upon, and there is one thing that strikes us which I should like to mention. We have read in the evidence you have got, and we also read in statistics given by people outside of this court, a good deal about the great number of convictions. Now, while I know that the convictions are far more numerous than we would like them to be, yet it often happens that the same parties come up before the courts again and again, and that increases the apparent number of persons who are tried for offences under these Acts. I think it is a mistake in the Public Houses Act that habitual drunkards can only be punished by a fine of 5s. or twenty-four hours' imprisonment; and it would, in my opinion, be a great improvement to have that part of the law altered. We know quite well that the habitual use of spirits is hurtful in every way, and becomes a kind of disease with many persons. The system gets into such a state that these persons cannot want the stimulus; and I think if people having that habit could be confined either by their friends, with careful precautions, or by the public, it would be a good thing, and would stop very much the excessive drinking habits of the community. The persons who are charged with this offence pay their fine of 5s. or go to prison for twenty-four hours, and when that period is over, they are out again, and renew their old habits. We have had cases of that kind where people have been brought up over and over again, and in that way the offence of

drunkenness appears to be more prevalent than it really is.

4848. *Mr Campbell Swinton*.—Would it be better if the penalty were increased?—It would have the effect of allowing a longer imprisonment to be imposed. *Mr Herbert*.—We would be decidedly in favour of a much severer sentence for a second or third offence. *Provost Orkney*.—I would not for a first offence punish people too heavily.

4849. You don't think that people found drunk and incapable very frequently get their drink at the licensed grocers?—No, I think not; but you find a class of people in our towns who neglect their business and their families, and who hurt themselves by their indulgence in drink, who would be the better to be confined in some way for their own and for their country's good. Another thing which I think would tend to reduce drunkenness would be the provision of better dwellings for the poorer classes. That is a matter I would call special attention to as a thing that would be a great cure for existing evils. There are some miserable hovels in which the poorer people live, in which it is a wonder that they can exist at all, surrounded by such sights and smells. I would take the liberty of saying that that is a thing which would very much help to improve the habits of living of the poorer classes. I would also take the liberty of mentioning that we have a Sunday steamer coming to Rothesay, on board of which people coming from Glasgow are supplied with drink, and that is a great source of annoyance, through people coming on the streets on that day the worse of drink. It would improve the coasts very much if that Sunday sailing was stopped.

4850. The steamer, I suppose, has a publichouse licence?—Yes; and we feel it to be a great annoyance in consequence of these people coming on shore just when people are going to church, and leaving again when the churches are coming out. We should like that to be put a stop to if we could.

4851. *The Chairman*.—That is a worse thing, I suppose, than any grocer's licence?—I am not aware of the grocers doing any harm by selling drink to people. *Mr Herbert*.—I should add that it might be for consideration, if any alteration is to be made with regard to grocers, whether a third certificate might not be given to parties to sell spirits and wine alone, and nothing but that. They do it now: it is a new trade that is springing up. *Provost Orkney*.—That is a matter which I was to have mentioned. Last week the magistrates of Rothesay gave a licence for a house of that kind. That is a thing we would approve of from what we know of the working of the other house of the same kind in the town; and that makes the number of these houses now to be two. That same person had a wholesale Excise licence. He conducted his business in a very good way, and had considerable premises in a good part of the town, and we gave him a licence just last week at the half-yearly court.

4852. *Mr Campbell Swinton*.—Although he did not sell groceries, it would still be technically a grocer's licence you would give him?—Yes; but he does not sell groceries: he has only a family spirit trade.

4853. He could sell groceries if he chose to do it?—Yes, but in point of fact it is not intended. *Mr Herbert*.—There is only another suggestion I would make with regard to burghs under the Police Act. I think the commissioners or magistrates might safely have some control over the licences within their district. I think that would be only fair. Of course, in the county of Bute, we are a small county, and that would only apply to Millport; but I think it would only be right that the commissioners should have some control over the licences.

4854. *Mr Ferguson*.—The last suggestion you have made, *Mr Herbert*, about the third class of certificates, is precisely the opposite of all the evidence you have been giving as to the convenience of having these things supplied in grocers' shops. You now say, I understand, that it would be a better thing to have the sale of spirits not to be consumed on the premises separate from the sale of groceries?—*Provost Orkney*.—I don't say that it

would be a better thing. I would say, leave it to the consumers; but I would not be against seeing this class of houses coming into existence as well.

4855. That would simply be multiplying the number of licences of one kind without restricting the other?—It would simply be the magistrates using their discretion according to the growth of the town.

4856. Would it not be better that that should be the way in which these things should be supplied altogether rather than that the present system of grocers' licences should be continued?—I think not. I think it would serve the purposes of the public to have it both ways.

137. Mr JOHN LANG, examined.

4857. *The Chairman*.—Your are procurator-fiscal for the city of Glasgow?—I am. I have occupied that position for twenty-two years, and previous to that I was fiscal to the justices for the lower ward of Lanarkshire, acting in the lower ward.

4858. Does your acquaintance with the subject of our inquiry arise chiefly from matters that have come up in court?—Principally.

4859. We were told by the chief constable that there have not been many prosecutions. Can you give us any information about that?—I think in fifteen years there have only been some 56 prosecutions of grocers for contravention of the terms and conditions of their certificates; and I think of those there have been only 35 convictions.

4860. Were there many cases reported to you which you did not think it right to prosecute?—A certain proportion of the cases reported to me I have not deemed it proper to prosecute. I may state that the mode in which these informations are communicated to me is that the police in the district have each a book in which they enter a specification of the offences and a short statement of what the witnesses can say. These are sent to the chief constable, and after being gone over by him, they are remitted to me in order that I may fix as to whether I shall bring them before the court or not. In a good many instances I hold that the evidence is not sufficient to warrant procedure, and consequently I refuse to prosecute. I cannot speak to grocers' certificates in particular, but generally as to offences under the Public Houses Acts that is the case.

4861. But have you had reason to believe that there have been many cases of breach of certificate by grocers, of which the evidence has not been sufficient to prosecute?—I don't remember. I cannot bring to my recollection any case of information against a grocer where I refused to prosecute in consequence of the evidence being insufficient. It is generally as to publichouse complaints that I speak, but I don't remember of any case in which I could give the particulars. Of the 56 cases where prosecutions took place against grocers, 35 were fined and 1 was admonished; there would be a conviction in that case also, or 36 altogether. 15 were found not proven, and 5 were withdrawn in respect of circumstances that I cannot now remember.

4862. Would you give us your opinion as to what has been the working of the Act regulating grocers' licences. I think it has worked satisfactorily. I think that, in so far as the public convenience is concerned, it has been a favourable change from what it was previously. The Act of Parliament came into operation, I think, in 1854, and since that time, so far as has come under my observation, it has worked favourably.

4863. Before that the grocers acted as publicans in fact?—They acted as publicans when they had licences.

4864. And you think that restricting them to the sale of drink to be consumed off the premises has had a good effect?—I think so.

4865. I suppose it has reduced still further the opportunities for drinking?—It has had that effect, I should think,—that is to say, if parties now holding grocers' licences had been licensed as publichouse-

keepers, there would have been more facilities for giving drink than they possess.

4866. In Glasgow, where the action of the magistrates has been to limit the number of grocers' licences, and to put them in the most respectable hands, it is evident there have been much fewer cases of breach of certificate than elsewhere?—There have, I think, been few cases of breach of certificate in Glasgow compared with other places.

4867. *Sheriff Crichton*.—Can you give us any idea of what the charges were in those cases you have mentioned where prosecutions took place?—No. I find I have not got with me a return of that description, but I shall be happy to prepare it and hand it in if it is required.

4868. Can you not give us a general idea of them? Were they for selling drink to be consumed on the premises or at illegal hours?—The great proportion of them would be for selling drink to be consumed on the premises. There was one instance that I remember of where I prosecuted a grocer for selling spirits to children; and there were one or two cases—they were comparatively few, but I don't recollect the number—for selling spirits on Sunday; but the great proportion were, as I have said, for selling drink to be consumed on the premises.

4869. *The Chairman*.—Then it is not your opinion that, so far as Glasgow is concerned, the law is inefficient?—I think the law is sufficient for Glasgow. I don't think it is inefficient at all.

4870. *Mr Campbell Swinton*.—You don't think it requires any amendment, so far as your experience of it in Glasgow goes?—There may be amendments made upon it that would be beneficial. For instance, licensed grocers keep open their shops at times when spirit-dealers are obliged to shut theirs.

4871. They both open them and keep them open at such times?—Yes. They both open them in the morning before the publichouses, and keep them open after hours at night. The spirit-dealers open at 8 and shut at 11, but the grocer opens or can open before 8, and he can keep open for perhaps an hour after the others are shut. I think it would be well that a party holding a grocer's licence should be compelled to open and shut his shop at the same hours as spirit-dealers.

4872. Do you think any change should be made with regard to the powers of police supervision which exist at present?—That is a matter which would require to be very fully and cautiously considered before anything is done about it. There is a good deal to be said on both sides. I don't think myself that there is any necessity in Glasgow for any additional supervision to what exists just now. An officer has a right to go into a grocer's shop if he has good and reasonable grounds for supposing that a contravention is being committed, and that I think is perhaps all that is necessary.

4873. *Mr Ferguson*.—Have you thought at all on the subject of a complete separation of the trades? Have you formed any opinion as to what the advantage or disadvantage of that would be?—I have not, but I don't think that any great advantage would accrue to the public from such a separation. The reason why the grocer's licence is convenient for the public is, as I have no doubt has been stated to you before by a number of witnesses, that parties have an opportunity of sending their servants to the same place for all their groceries and spirits and anything of that kind that they require, and that if spirits were to be sold in any place not to be consumed on the premises, it might afford the same facilities for drinking as sending to a publichouse, unless the quantities to be sold were such as to insure that a party did not go there for the sole purpose of getting perhaps a glass of whisky or a gill of whisky or something of that kind.

138. Bailie SCOTT, Glasgow, examined.

4874. *The Chairman*.—How long have you been one of the magistrates of Glasgow?—I have been two years a magistrate.

GLASGOW.

John Lang.

Bailie Scott.

GLASGOW. 4875. Have you been paying attention to the subject of our inquiry?—Yes, somewhat.

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Bailie Scott. 4876. Would you tell us what opinion you have formed upon it?—I am under the impression that grocers' licences should be abolished. My reason for that is that there are far too many licensed houses already for the supply of alcoholic drinks.

4877. You are speaking now of the city of Glasgow?—I am. In 1868 the population was 445,000, and there was then one publichouse for every 63 families. There is now one publichouse for every 72 families; and two-thirds of the families in Glasgow live in houses of below £10 rental; it therefore follows that such houses are occupied exclusively by working men. Now, it is obvious that 72 houses exclusively occupied by working men and their families—each family consisting perhaps of five, the man his wife and three children—cannot, upon moderate and temperate principles, support one publichouse. Notwithstanding that, since 1858 the grocers' licences have been increased 40 per cent., and the publichouses 9 per cent. My meaning is that while publichouses have not increased in proportion to the increase of population, there are still far too many of them; and that though publichouses have been all along much in excess of the needs of the city, grocers' licences have been allowed largely to increase. Now, the grocers' licences were only permitted in 1854, so that the trade does not so properly belong to them as it does to those who sell spirits and wines and alcoholic drinks exclusively.

4878. But that is not quite correct, is it? Surely the legislation of 1854 was rather restrictive with respect to the grocers. Previous to 1854 they had been allowed to sell liquors just as if they were publichouses?—Well, they came under the Forbes M'Kenzie Act in 1854. I may be wrong in that, but I was not aware that they were licensed at all before 1854.

4879. There was no distinction before then. They all took what was called a publichouse licence?—Well, seeing the Commission is sitting upon grocers' licences, and seeing the grocers have other goods to sell, and are not wholly dependent upon the sale of alcoholic drinks, while the spirit-dealers proper are wholly dependent upon the sale of these drinks, I think that since it is necessary to largely reduce the number of licences, the grocers' licences should be removed first.

4880. Do you not think that there is a legitimate demand for the sale of liquors to be taken home by people who do not wish to resort to the publichouse?—I think there is quite a legitimate demand for liquors to be purchased and taken home, and there might possibly be some little inconveniences caused by withdrawing the licences from grocers; but I think any such inconveniences would be as nothing compared to the general advantage.

4881. Then you would simply leave those who want beer and spirits no resort but the publichouse?—None. I may say, however, that in Glasgow there are very generally connected with publichouses what are called family departments. Many of the publichouse-keepers come before the magistrates and ask for re-arrangements of their premises to give them a family department, and that can generally be easily arranged.

4882. *Mr Campbell Swinton*.—Is that a separate door?—Yes.

4883. *Mr Ferguson*.—Are there not also in Glasgow houses where spirits and wine are sold without groceries—a kind of intermediate merchant between the wholesale merchant and the grocer?—Very few. There are some who have nothing but a dealer's licence, and who sell no groceries, but they are very few, and they are quite discouraged by the magistrates.

4884. What is the nature of that dealer's licence? Is it anything different from a grocer's licence?—It is the same.

4885. *Mr Campbell Swinton*.—You gave as your general reason for being against grocers' licences, that you thought all licences should be diminished?—Yes.

4886. Do you draw any comparison between the evils which flow from grocers' licences and from publichouse licences?—If I were to speak to that, I think

there are more evils connected with the publichouses than with the grocers; but since there is a terrible necessity for largely reducing the number of the sellers, and you have the opportunity of dealing with this class, I am of opinion that they should be dealt with.

4887. But if you think the publicans do the most harm, why deal with the grocers rather than with the publicans?—I have already given the reason, that the grocers have another business which might support them.

4888. *Mr Ferguson*.—Have you no other reason besides that? Have you not thought of the existence of other evils that are said to arise,—I don't say they do arise, but which are said to arise, from grocers' licences?—I think the reduction of the number of the sellers generally would conduce to the better management and control of the business. I think that when the publicans had a larger number of customers, there would not be the same necessity placed upon them for selling perhaps bad articles, or for selling to persons who are known to be intemperate. They would have a better sphere before them than they have just now. If every one of these 72 families were to spend 2s. a-week on drink, it would only be £7, 4s., and that cannot possibly support a publichouse. Now, all that is spent beyond that £7, 4s., is, in my opinion, immoderate and intemperate.

4889. *The Chairman*.—Then I suppose you are in favour of an arbitrary limitation of the number of licensed houses?—I think that is the legitimate sequence of the case. I think the Government ought not to license more houses than can be supported upon the temperate use of the drinks.

4890. But at present the action of the local authorities is very various; and I suppose you would have the maximum number fixed by Parliament?—I think it would be an advantage.

4891. What would you propose as the maximum number of licensed houses?—I should think that three times the £7, 4s. that I have mentioned would be quite as little as a publican should have as a return on the average. Of course some few would have less and some would have more, but that would indicate about one-third the number of publichouses that there are at present, which would be one house to about every 1000 persons. It is quite plain to me that that would be a proper line to follow.

4892. Then you would be giving a very valuable monopoly to a limited number of persons, would you not?—This business is a monopoly already, but it is in a good many hands.

4893. It is in a good many hands at present, but it would become a very valuable monopoly, would it not, if confined to a few?—Yes.

4894. Then how could you decide, on fair terms, that you should refuse to one man and grant to another?—The principles that at present guide the magistrates in dealing with the granting of licences are to consider all the circumstances of the case; but in that case, of course, they would consider the number of the population, and they would have a distinct guide.

4895. At present they do not grant licences to as many people as ask for them?—No.

4896. But you would only have them licence one-third of the present number, and therefore to the individuals receiving the licences the privilege would be three times as valuable as it is now?—Exactly.

4897. Then would the magistrates not be putting a great deal of money into the pockets of certain men, and denying others the opportunity of earning it?—No. My hope is that, concurrently with such arrangements as this, the use would largely cease. I believe there is a very large quantity of spirits used just now that ought not to be used, so that it would not be so great a monopoly although the returns would go into fewer hands.

4898. But suppose it were to rest on the discretion of the magistrates which applicants should have it, would not that lead to influence being used, and influence, in fact, carrying the appointment?—If such influence would have any effect, there is plenty of opportunity for it now; but it has no effect whatever on the magistrates, in my experience.

4899. Then it is not the case that in Glasgow at present the magistrates are canvassed?—They are not canvassed exactly, but it is quite the custom of parties to call on some of the magistrates, or perhaps all of them, and wish to explain their case. Every one thinks that he has a very good case, and in courtesy the magistrates I suppose, or most of them, hear what they have to say.

4900. But a man who is very anxious to get a licence will often get an influential friend to call for him, or somebody he thinks the magistrates will listen to, will he not?—With the same results.

4901. You don't think that in Glasgow it has any effect?—None whatever, so far as I see. Of course I only speak from my own experience.

4902. *Mr Ferguson*.—We have heard a good deal said about the facilities which these grocers' licences give to workmen's wives for getting drink without their husbands' knowledge. Can you speak to that point at all?—I don't think that has ever been much carried out in Glasgow. These grocers' licences are generally in the hands of very respectable persons, but I do know of my own personal knowledge that in some cases spirits have been taken out of grocers' shops between 11 and 12 o'clock at night in a basket as though they were groceries.

4903. *Mr Campbell Swinton*.—Are the grocers' licences, generally speaking, in Glasgow granted to a higher class of men than the publichouse licences? I mean, do the publichouse licences come down to a lower class of people than the grocers' licences?—Yes; I may say they do, although the magistrates are very careful as to the character of licencees of publichouses.

139. Dr WILLIAM WALLACE, }
140. Mr ROBERT R. TATLOCK, } examined.

4904. *The Chairman*.—Do you hold the office of analysts of the city of Glasgow?—*Mr Tatlock*.—Yes, we are joint public analysts.

4905. How long have you held that office?—For about three years.

4906. Have you done so ever since the passing of the Act?—No; there was another analyst before us.

4907. Are you professional analytical chemists?—Yes.

4908. Have you been in the habit of examining spirits used for consumption?—We have, to a considerable extent.

4909. You examine them from all classes of dealers—wholesale dealers, publicans, and grocers?—Yes.

4910. Have you ever found a sample of spirits to be artificially adulterated deleteriously?—The only substances we have found in spirits are sherry and water. These are the only substances that we can suppose to have been added. *Dr Wallace*.—There is another material also, called prune wine. It is made by a manufacturer in Dublin, and is largely used in Irish whisky. It has also been used in Scotch whisky, but only to a very limited extent. I believe it is made of a Low class of sherry, with sugar and other substances added to it.

4911. Is that intended to bring spirits up to a saleable strength after they have been diluted?—Yes, partly that, and partly to give them a better flavour than they are supposed to have by themselves. New whisky, for instance, is deficient in flavour, and the addition of these things is supposed to mellow it, and also to improve its flavour.

4912. I suppose it does not make it unwholesome?—Not in the least degree.

4913. And you don't consider that to be adulteration?—No, it is not.

4914. But, *Mr Tatlock*, I suppose you very frequently find water mixed with the whisky?—*Mr Tatlock*.—Yes. Many samples of the spirit we find are rather weak.

4915. You make no objection to them on that ground?—No, not personally.

4916. But, I mean, you don't consider that that calls

for report?—It is always mentioned in the report when they are weak.

4917. *Sheriff Crichton*.—How weak do they go?—The lowest we have had, I find, was 34 degrees under proof. *W. Wallace; R. R. Tatlock.*

4918. *The Chairman*.—What would that amount to in dilution?—*Dr Wallace*.—It means 34 parts of water and 66 parts of proof spirit.

4919. But what we wish particularly to ask you is whether you find spirits in a state which is unwholesome for consumption by reason of their newness, and the presence of fusel oil or other substances incidental to raw spirits?—*Mr Tatlock*.—We have found many samples of whisky that have a harsh and raw flavour, and it is pretty well understood that such whiskies are not so wholesome as those that have been aged for some time.

4920. Have you found such spirits kept for the purpose of sale?—Yes, undoubtedly,—new spirits.

4921. Is that commonly found in the hands of dealers?—I have no doubt it is very common. *Dr Wallace*.—Chiefly in the lowest class of publichouses, however.

4922. But not commonly in publichouses?—No, not in publichouses of a good class.

4923. Have you found it in grocers' hands?—No, not to any extent. I have no doubt that grocers' whisky as a rule is better than publicans' whisky.

4924. To what extent is fusel oil found in proof spirit soon after it is manufactured?—*Mr Tatlock*.—Some analyses, not by myself, however, have given about .1 per cent.; that is on the spirit at proof. It would be .2 per cent. on the pure alcohol, proof being about half the strength of pure.

4925. Then, of course, if the spirit is diluted to 20 or 30 per cent. of its proof strength, the fusel oil would be proportionately diluted and neutralised?—It would be diluted in that ratio. *Dr Wallace*.—It would be reduced to about 6 parts in 10,000.

4926. As matter of fact, is the presence of the amount of fusel oil that you have found in spirits calculated to injure health?—*Mr Tatlock*.—That is rather a medical than a chemical question. It is generally understood that fusel oil is objectionable when present in large proportion, but there is not the slightest reason to suppose that it is ever added to spirit for the purpose of adulteration.

4927. There would be no object in adding it?—No. *Dr Wallace*.—Quite the reverse. It would lower the value of the spirit.

4928. *Mr Campbell Swinton*.—On the other hand, the fusel oil diminishes as the spirit gets older?—*Mr Tatlock*.—Yes, to the extent to which it is aged.

4929. *The Chairman*.—To what extent would the presence of that fusel oil be diminished, say after being kept for a year?—I think that is a point that has not been fully investigated. It is quite well known that a change takes place with regard to fusel oil by keeping. Other compounds are produced from it which are supposed not to be so injurious as fusel oil; but it is far from established that fusel oil alone is the cause of any injury to health from the consumption of spirits containing that substance.

4930. But is it established that after a certain time the whisky becomes much more wholesome?—Yes; I think that is pretty well established.

4931. Or much less unwholesome?—Precisely. *Dr Wallace*.—That is particularly the case with raw-grain whisky. It is not so much the case with malt whisky, although it is the case with it also; but new raw-grain whisky is injurious: there is no doubt of that.

4932. Would you be able to tell us how soon that deleterious element would pass away? Would it become wholesome, as a rule, in a year?—That is simply a matter of experience. We find in malt whisky, for instance, that after two years' keeping it is practically good wholesome whisky, but two years is scarcely sufficient for raw-grain whisky. I should think that something like six or eight years would be necessary to make it wholesome.

4933. I suppose you know by test whether whisky is distilled from raw-grain or malt?—Yes, we can tell that by examination; but we cannot tell, for instance, if

GLASGOW. malt whisky is mixed with a small quantity of raw-grain. I don't think we could tell that.

W. Wallace; 4934. Do you find other spirits in common use, such as brandy, to be adulterated or unwholesome from other substances being mixed with them?—No; we have not found that to be the case. They are simply weak in strength; that is the only thing we have to say about them.

4935. What substances have you found in brandy, of the same kind that you find in whisky, to make up for its dilution?—Our experience in brandy is not so great. We know, however, that in the case of British brandy it is an artificial mixture altogether; and there we find certain quantities of acetic ether and nitric ether, and different flavouring materials, such as Hungarian wine oil; but these are only added in small quantities, in order to imitate the flavour of French brandy. In the case of French brandy we have never found that anything has been added to it.

4936. Then as to rum, new rum is as bad as new whisky, is it not?—Yes. New rum resembles pretty much raw-grain whisky. There is no doubt it is very injurious when quite new.

4937. Are you prepared to say what time you think the law should require that spirits should be kept in order that they might be not injurious to health?—That is a very wide question. The keeping of spirit adds very much to its value, and I am afraid that if that law were introduced it would add greatly to the price of spirits; but I should think that two years would be a good limit for the public safety.

4938. The addition to the value would simply be the loss of interest on the money during that period, and the cost of storage?—Yes, and a slight evaporation, but it would be very slight. It would not amount to much in two years.

4939. Mr Campbell Swinton.—At whose instance do you make these analyses?—The sanitary inspector takes samples in Glasgow and hands them to us. We don't take the samples ourselves from the various dealers. They are simply handed to us for analysis; and the same is the case in other towns,—for instance Kilmarnock, Ayr, Rutherglen, and other places. We are also analysts for the county of Lanark and the county of Sutherland. I have twenty samples of whisky just now from the county of Sutherland, and, so far as I have tested them, they are all quite genuine; but we have rarely had samples of whisky from any of the authorities that came up to proof strength.

4940. Is that looked upon as an offence?—It is not, but at the same time it is very unfair to charge for the strength of ordinary spirit and not to give it. It seems to be unreasonable, for instance, that one man should sell whisky at 10 under proof and another at 30 under proof, and that they should both charge the same amount for it. It is very unfair to the man who sells it only 10 under proof. Under the Adulteration Act there is no provision made for fining people for selling whisky under strength; but it would be a very reasonable thing for them to have it stated upon the bottles that it is whisky of a certain strength, and then people would know what they were buying. Mr Tatlock.—I may mention that there have been one or two instances of convictions in England lately under the Act for selling

diluted gin; but there is no standard laid down in the Act.

4941. We have heard of cases of persons coming out of publichouses in a state of absolute madness without having drunk any great quantity of spirits. What substance must there have been in the whisky to produce that condition in the men?—Dr Wallace.—We have never met with any cases of that kind in our experience, but I may say that spirit has different effects upon different constitutions. For instance, a labouring Irishman coming over from Ireland, where he had not perhaps much money to spend upon whisky, comes here and gets large wages at some of the public works about the town, perhaps about 35s. a week, and he takes a large quantity of drink; and not only that, but being unaccustomed to drink, very little affects him.

4942. Mr M'Lagan.—But we were told by a grocer that that very whisky to which Mr Swinton refers has a particular name, and is well known in the trade. It is called 'speil the wall' and 'kill the carter.' Do you know anything about that?—We have not met with it in our experience. Very likely it was new and low class raw-grain whisky.

4943. The Chairman.—We were told it was raw-grain whisky.—Mr Tatlock.—I may mention that on one occasion I took twenty samples of whisky myself; I bought them from twenty publichouses in Glasgow of the lowest class; and I found nothing of an extraneous nature in them; some of them were of low quality and very harsh in taste. Apart from that, there was nothing to find fault with; we could not suppose that anything had been added to them. I bought these samples myself along with two witnesses.

4944. Do you ever find salt in spirits?—Dr Wallace.—No; we have never found it.

4945. Mr M'Lagan.—Or in beer?—No. It has been found in two or three cases in England in beer, but not in our experience.

4946. Mr Campbell Swinton.—You told us that, generally speaking, grocers' whisky was better than publicans' whisky, did you not?—Yes, but that applies to publicans of the lowest class. I don't think that grocers' whisky is better than publicans' whisky in a good part of the town; but if you go to the lowest quarters of the town there is no doubt that the publicans' whisky is of a lower class,—that is to say, they may mix raw-grain whisky with the malt whisky, or they may even sell raw-grain whisky by itself; but a Scotchman, as a rule, would not buy raw-grain whisky if he was told it was so.

4947. Nobody would buy it at a grocer's shop, but he could go into a publichouse and buy it?—He might simply ask for whisky, and he would get it.

4948. Some customers would like it the better the stronger it was?—It does not follow that it is stronger because it is raw-grain.

4949. Mr M'Lagan.—Is it not stronger and harsher to the taste?—It may be harsher, but not stronger in alcohol. I may say that we have searched particularly for vitriol and other things of that kind in whisky, but we have not found any. I don't believe that such adulteration is ever practised.

Adjourned.

GLASGOW, TUESDAY, 23RD OCTOBER 1877.

Present :—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr FERGUSON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

SIR JAMES FERGUSSON in the Chair.

141. Mr DANIEL CRAWFORD,
142. Mr WILLIAM BUCHANAN, } Wine Merchants, Glas-
143. Mr JOHN WILLIAMSON, } gow, examined.

4950. *The Chairman.*—(To Mr Crawford). Have you any statement to make to the Commission?—I may mention that there was a meeting of wine merchants in Glasgow yesterday, at which, along with Messrs Williamson and Buchanan, I was appointed to place a memorial in the hands of this Commission. The memorial is as follows:—To the Honourable 'the Royal Commission on Grocers' Licences. The 'memorial of the undersigned "wine merchants" 'in Glasgow sheweth,—That the memorialists hold 'at present magistrates' certificates and licences as for 'dealers in groceries, though none of them carry on a 'trade in groceries, and that notwithstanding this, they 'have every year, on making application for magistrates' 'certificates, falsely to describe themselves as grocers. 'That their trade is confined to dealers in wines and 'excisable liquors, either wholesale or to supply families 'with the same to be consumed in their own houses. 'That in England parties carrying on a similar business 'do not require certificates, but get their dealer's licence 'for £10 10s. from the Excise, and are then entitled to 'a retail licence on payment of £3 3s. additional for 'wines and spirits not to be consumed on the premises, 'and your memorialists wish to be put on the same 'footing as their brethren in England. Daniel Crawford, '81 Queen Street; David Sandeman & Son, 53 Miller 'Street; J. & R. Williamson, 3 Royal Exchange Square; 'Gibb & Bruce, 57 Buchanan Street; J. & W. Bu- 'chanan, 48 Renfield Street; Johnston & Montgomerie, '139 St Vincent Street; James McCall & Son, 98 West 'George Street; James & George Stodart, 80 West 'Nile Street; Lawrie, Buntin, & Co., 76 Gordon Street; 'Stewart, Pott, & Co., 45 Millar Street.'

4951. How many of your trade are there in Glasgow?—I should say from 25 to 30.

4952. Are there any carrying on business in a similar manner, but in a small way of business?—I think not. There may be some younger houses whose business is not so extensive, but they are mostly old established houses.

4953. Are you all wholesale dealers?—We have all wholesale dealers' licences.

4954. And you contend that these licences should not have to be renewed year by year?—That is what we complain of,—that we have to come forward at each licensing court and describe ourselves either as grocers or publicans, neither of which we are, notwithstanding that nothing has ever been hinted against any of our establishments for almost a century back. We contend that unless something can be proved against us, we should be allowed to retain the certificate we got at starting, and should not be compelled to come up yearly. We are in a different position from little grocers or publicans, and we think we ought not to be subject to the same restrictions in that respect.

4955. *Mr Campbell Swinton.*—Do you happen to know if the great Leith wine merchants, Bell, Rannie, & Co., and others are in the same position?—They are in the same position, and have to apply in the same way. I cannot understand their apathy in this matter, and I intended to send them a copy of this memorial.

4956. *Mr M'Lagan.*—Do you sell by retail?—If you sell less than 2 gallons you must have a retail licence; and if a customer wishes half a gallon of brandy or so, we must have the retail licence before we can supply him. GLASGOW.
D. Crawford;
W. Buchanan;
J. Williamson.

4957.—Don't you think you are very much in the position of grocers who have a licence if you sell by retail in open vessels?—We do not sell in open vessels.

4958. Not even to a person coming in with a vessel?—They could not get a drop less than a bottle.

4959. Do you make that a rule?—Yes.

4960. Although the law says nothing about that?—The law in Scotland makes no limit of that sort, but in England it does.

4961. How do you do if a person comes in wishing to buy wine from you, and asks to taste it before he makes the purchase? You give him a glass of wine, don't you?—Certainly.

4962. Is that not illegal?—That is one of the things we want to get rid of. We do not want to be confused with people who take payment for a glass of wine if a man comes in; we take no payment. You would not go and buy something you particularly wanted without trying it first; and clearly we must allow our customers to taste it. If that is against the law, that law, I humbly opine, should be altered.

4963. As I understand it, you are exactly in the same position as those large and respectable grocers who are to be found in Glasgow, Edinburgh, and elsewhere. If I went in to buy wine from them, I should taste it before buying; and I presume you hold exactly the same licence as they do?—Yes; I have just a grocer's licence now.

4964. *Mr Campbell Swinton.*—Are you right in saying you have to describe yourselves as grocers, because the certificate is not called a grocer's certificate?—We are obliged to describe ourselves as dealing in groceries, and that is an untruth we are obliged to tell every year under the existing law.

4965. *Sheriff Crichton.*—Under a publichouse licence, it would not be illegal to allow any person to taste or to give out a glass?—No.

4966. But under a grocer's licence it is?—Yes; and, consequently, if there is no modification in the law next year, I shall take out a publichouse licence, and then I could give a glass of wine.

4967 and 4968. Are the licences which merchants in your position in England get different?—Yes. [The witness handed to the Commissioners copies of the papers granted by the authorities both in England and Scotland.]

144. Mr JOHN DUNNE, Chief Constable of the Counties of Cumberland and Westmoreland, examined. John Dunne.

4969. *The Chairman.*—You were former chief constable of Newcastle-on-Tyne?—Yes.

4970. How many years have you been in your present position?—I am in the 21st year of my service as chief constable of Cumberland and Westmoreland. Previously I was chief of the police at Newcastle-on-Tyne and Norwich.

4971. Then the new excise licence for grocers, under which they are empowered to sell liquors not to be

GLASGOW.

John Dunne.

consumed on the premises, did not exist while you were at Newcastle?—No.

4972. At that time what licences existed besides the publichouse and the beerhouse licence?—The wine merchant's licence. Beerhouse licences were of two kinds—the one authorising the sale of beer to be consumed on the premises, the other limited to sale for consumption off the premises.

4973. Were all these, besides the publichouse licence, in existence while you were at Newcastle?—Yes.

4974. Were all these under separate Acts?—Yes.

4975. I think the one we are most concerned with is the wine merchant's licence: was a retail licence ever granted with that wholesale licence?—In some instances the wine merchant had both licences.

4976. What were the terms of that licence?—For the one he would have to pay a higher rate than the other. The higher class licence he would obtain from the Excise, the retail licence from the justices. It is of the nature of an ordinary publichouse licence.

4977. As a matter of fact, did grocers hold that retail publichouse licence?—No; the grocer's licence in England was unknown until the passing of the Act 24 and 25 Vict. That is the Act under which grocers are authorised to take out a licence to sell liquors to the extent of a quart in a sealed bottle to be carried off the premises—that is to say, not to be consumed on the premises.

4978. That licence is given without option by the magistrates on the recommendation of the Excise. Is that so?—That is so now, under the Licensing Act, 35 and 36 Victoria, cap. 94, sections 68 and 69. The holder of such a licence gets a certificate from the justices that he has complied with certain statutory conditions set forth in various Acts; he takes that certificate to the Excise, upon which they grant the licence. The magistrates in these cases have no power to withhold such a certificate. The Act I have quoted directs that in those cases the licence to sell for consumption off the premises shall not be withheld. It must be granted, provided the applicant is in a position to show that he has certain statutory qualifications.

4979. *Mr Campbell Swinton*.—He gets in the first place a certificate from the magistrate to the effect that he has fulfilled those conditions?—Precisely; upon which the Excise, as a matter of course, grant the licence.

4980. And the magistrate can exercise no discretion even in granting the first certificate?—None.

4981. He only attests the fact that the statutory conditions have been complied with?—Yes. In a case where a licence was withheld there was an appeal taken to the Court of Queen's Bench, and the decision was against the justices; the court above held that in such a case they had no power to withhold the certificate.

4982. *The Chairman*.—As to the law previously, did grocers under certificates from justices formerly sell spirits and so forth?—Previous to the passing of the Licensing Act, grocers took out a licence from the Excise, under which they sold spirits in quart bottles. The only difference now is the guarantee that they comply with certain conditions before they get the magistrates' certificate.

4983. Then up to 1872 the licences were granted without the restriction now imposed as to premises?—The restrictions were in existence, but it was found that they were not carried out; consequently, to protect the public against any neglect, it was enacted that evidence should be given, to the satisfaction of the justices, that the conditions had been complied with before a certificate could be granted.

4984. The conditions are, suitable premises?—Yes; and there must be no previous convictions against the applicant; he must be a person who has not been convicted of felony. A similar rule prevailed previous to 1869 with regard to beerhouses. The excise up to that time had the power to grant a licence to a beerhouse-keeper to retail beer for consumption off the premises. In 1869 Sir Selwyn Ibbetson's beerhouse bill was passed, which transferred the granting of those licences from the Excise to the magistrates. It

was found that in many instances where the magistrates took away a licence from a publican for general misconduct or other offence he fell back upon the beer licence. He went to the Excise, and as a matter of course the Excise granted a beer licence, apparently without any inquiry, or requiring that certain conditions should be complied with. That was found to be practically an aggravation of the evil, the beerhouse-keeper becoming a less trustworthy person to have a licence than the publican. It has been generally found that the beerhouse-keeper does not regulate his house so well as the licensed victualler, and that when the licensed victualler lost his licence through misconduct he fell back upon the beer licence. That was one of the reasons, I believe, why the bill was brought in in 1869 by Sir Selwyn Ibbetson, which transferred the granting of those licences from the Excise to the magistrates, and a better measure has never in my experience been passed, for practically it has prevented a great amount of crime.

4985.—Could you give us a reference to those several Acts you mentioned?—There is the Wine Licences Act.

4986. That is a point to which I am coming, and I think it is the main point. The fact is, is it not, that at this moment the licence to sell wines and spirits not to be consumed on the premises is granted without limitation of numbers, provided the applicants satisfy the conditions of the Act?—Yes.

4987. And in consequence of that the number of such houses has greatly increased, has it not?—I cannot say that there has been a very large increase in Cumberland or Westmoreland. The total number of grocers' licences in Cumberland at the present time is 34; the total number of refreshment house licences, that is, licences under which wines and light refreshments are sold, is 22. There is an increase over the country generally, but what is complained of most is, that the Excise have the power to grant those licences, while the licensing authorities have no power to withhold them. There is a strong disposition now to regulate the number of licensed houses in each district according to its requirements, but frequently when the magistrates refuse an applicant a spirit licence he is able to fulfil the conditions under which he can obtain a grocers' and wine licence; then, having fulfilled those conditions, the magistrates have no option to withhold their certificate, and he is able in spite of them to go and get his licence from the Excise. The general feeling now is that it would be a great public benefit if all those licences were placed under the direction of one authority,—that is to say, that the magistrates, who are responsible for the publicans' licences issued, should be equally so for all the licences granted in their district.

4988. The city of Carlisle is not under you?—No, it is a separate jurisdiction.

4989. Are such licences numerous there?—No; I made inquiry and found that they are not so numerous as to cause any complaint.

4990. Have you found in any place that by a system under which there is no limitation of the number of licences granted, houses have in some instances been set up closer to each other than the magistrates would have allowed?—That is one of the causes of complaint,—that there are greater drinking facilities in certain localities, through those houses being set up close to each other.

4991. Can you tell us if the result of the licences having been granted has been to increase the use of spirits by the working people?—This year we had one conviction in Cumberland of a grocer for selling a bottle of whisky on a Sunday morning during the prohibited hours of the public houses. The superintendent of police of the district had information to the effect that drunkenness was very prevalent in certain private houses, and that there was some reason to believe that the spirits were got at the grocers' shops. In consequence the superintendent made arrangements to have the place watched, and it resulted in the discovery of the grocer selling a bottle of whisky. The case was brought before the magistrates, and he was fined 40s

That is the only case of conviction that has taken place. A great many allegations have been made as to women taking home spirits when they go to the grocer's shop for groceries and other articles of food, that they buy liquor and take it home and consume it. I made full inquiry into that matter, and wrote to each of the 8 superintendents of the two counties requesting them to make all the inquiries they could into these statements, and make a special report to me on the subject. The result was that not one of them was able to find any evidence to prove that women do obtain drink in that way, or that the system of grocers' licences has resulted in the drunkenness which has been represented.

4992. Have there been any convictions, or any ground of suspicion of grocers allowing liquors to be consumed on their premises, contrary to the terms of their licence?—There is an impression that when people go to purchase groceries, the grocer frequently gives them a glass of liquor, but I have not heard any complaints of sales of liquor on the premises to be consumed. They do not harbour people and allow them to drink, but I believe it is a fact that they often give a glass of spirits to a customer as a treat.

4993. Have there been cases of spirits being bought in a bottle and then consumed near the grocer's shop?—There were a good many cases about 1873, when what was called the bottle system sprang up after the passing of the Act of Lord Aberdare, which requires publichouses to close at an earlier hour. Previous to the passing of that Act there was no law requiring publichouses to be closed except during the hours of divine service; they could keep open from Sunday morning to Saturday night, so long as there was no disorder in the house. After the passing of that Act, however, there was a good deal of discontent expressed at the restrictions as to hours which it imposed, and frequently when men were turned out of the publichouse they procured bottles of spirits and drank at the roadside, or gathered in one of their houses and remained drinking till a late hour.

4994. Were these bottles got from the publichouse or from the grocers?—In some instances from the grocers' and in others from the publichouse.

4995. *Mr Campbell Swinton*.—Is the restriction as to hours the same with regard to the grocer as with regard to the publichouse?—Yes, it is made so by the Act of Mr Cross,—the 37 and 38 Vict., cap. 49, sec. 19.

4996. Is it found that the possession of the spirit licence is coveted by grocers as bringing more ordinary business with it?—That appears to be the feeling in the country districts more than in the towns. The grocers in the country seem to think that if they can sell spirits in a quart bottle, they have everything that probably may be required in the way of business. In Cumberland, with a population of 189,171, there are only 34 grocers' licences, and I would infer from the smallness of this number that grocers do not set a very high value upon those licences.

4997. But I suppose spirits are not consumed in Cumberland and Westmoreland in the same quantity as in Scotland?—I am unable to give an opinion on that point.

4998. Beer is the commoner beverage in those counties, is it not?—There is a good deal of beer drank, and I believe a fair quantity of spirits also.

4999. *Mr Ferguson*.—Can you tell us how many publichouses there are in those counties?—The number of publichouses on last licensing day was 1035, the number of beerhouses 154, of refreshment houses 22, and of grocers' licences 34. The proportion of beerhouses and publichouses to the population is 1 to 159.

5000. The refreshment houses sell no spirits,—only wines?—Only wines and liqueurs, cherry brandy and such like.

5001. They draw a distinction between wines and liqueurs?—Yes.

5002. And sell cherry brandy, but not brandy?—Yes. The law makes the distinction.

5003. *The Chairman*.—Have the magistrates in

Cumberland and Westmoreland expressed any opinion against those grocers' licences?—I had a conversation with the chairman of the county since I received your summons to appear here, and he expressed strongly his opinion, and authorized me to state it to you, that it would be for the public benefit if all those licences were placed under the magistrates,—under one licensing authority,—in order to have greater security against an unnecessary increase in the number of licences in any particular district.

5004. But I do not understand that in England, at all events in your counties, there has been any expression of opinion against grocers having the power to sell spirits under the present regulations, provided the magistrates have power to limit the number of licences?—That is the general feeling.

5005. You are not aware if the magistrates object to those licences in themselves, or disapprove of the sale of spirits being combined with the sale of groceries?—The magistrates during late years have been anxious as far as possible to reduce the number of publichouses and beerhouses and other places for the sale of liquor; and not only is it the opinion of the magistrates but of all those who take an interest in the prevention of drunkenness and the regulation of those houses, that it would be greatly conducive to the public interest if the licensing of all those houses was placed under the authority of the magistrates.

5006. Quite so; but they don't object to there being houses in which spirits can be bought side by side with provisions?—Some do, and others do not. There is a strong objection to the sale of spirits along with provisions on the part of some, while on the part of others there is no objection.

5007. As yet, in your counties the system has not grown up to any extent?—No. I have given you the number of licences in Cumberland. In Westmoreland there are 4 refreshment houses, and 16 licensed grocers, the bulk of those being in the lake district. The number of publichouses in that county is 225, and of beerhouses 28, being a proportion to the population of 1 to 203. There are fewer licensed houses in Westmoreland than Cumberland, owing to the fact of there being a large mineral district in the latter county; and wherever there is a larger number of people, increased facilities are given for supplying their requirements.

5008. Do you know if any of those licences are held by grocers who occupy houses of very small rental?—No, I believe they are generally held by what is considered the respectable grocers. I have had no complaints regarding any of them, and I have no reason to think that they are other than a highly respectable body of men.

5009. *Mr Campbell Swinton*.—I understand there is no minimum rent of premises fixed which a man must have before he can get a licence?—Yes; it used to be a rating, but it is rental now.

5010. I mean the grocers' licence?—That is one of the conditions they must comply with. If you look at the Act 35 and 36 Vict. cap. 94, section 45, you will find provisions which regulate the value of premises in London, and in the provincial towns and rural districts. Those provisions apply rather to publichouses than to grocers' shops, but in the Act under which the grocer gets the spirit licence there are similar conditions, and these conditions are those with which he must comply before he gets a magistrate's certificate.

5011. *Sheriff Crichton*.—And there are other conditions in the Act of 1869?—Yes. During last year we had a large number of publicans summoned for violations of their licence, and a large number summoned for permitting drunkenness, and a great many persons were also summoned under the Licensing Act for having been found in publicans' premises during prohibited hours.

5012. *Mr Campbell Swinton*.—You punish the purchaser as well as the seller?—Yes, if there is reasonable grounds to believe that he was instrumental in inducing the publican to commit a breach of his licence.

Glasgow.
—
John Dunne.

5013. Suppose a grocer was brought up for selling liquor to be consumed on the premises, in that case can you punish the purchaser as well as the seller?—No, that law merely applies to publichouses and beer-houses. We had last year 260 summoned, 236 convicted, 24 discharged.

5014. *Mr M'Lagan*.—Are you aware whether the public generally in those counties consider it a convenience to have grocers selling excisable liquors?—So far as I am able to form an opinion, I do not think the public attach any importance to it; I do not think the general public consider it at all necessary as a matter of public convenience.

5015. You mentioned that grocers occasionally give a glass of wine or spirits to their customers, but do not sell it: can you tell us whether that is an illegal act or not?—I do not know that there is any law to prevent their doing so; there must be proof of sale to make it an illegal act. It is just the same as showing hospitality in a private house; the grocer thinks himself entitled to the same privilege. He is glad to see his weekly customer or country friend, and will take him into his private room or the back shop, and give him a glass of liquor or wine if it is a wet or cold day. They renew their friendly intercourse, and are glad to meet again.

5016. *Mr Ferguson*.—The certificate issued in Scotland states expressly that the holder is not allowed to sell or give; is it different in the English Act?—It has been held that there must be proof of the sale to constitute an offence. In the Licensing Act of 1874 there is a special provision which enables the publican to entertain his friends, who go *bona fide* to spend the evening. The police in that case have no right to interfere with him; but the onus lies upon the publican to show that he is *bona fide* entertaining his friends. The law has been similarly interpreted with regard to grocers. They have no right to sell less than a quart, and that must be sold in a sealed bottle; but there is no law that I know of to prevent them giving a friend a glass of spirits in the shop.

5017. *The Chairman*.—Perhaps the provision that spirits can only be sold in a sealed bottle would rather lead to the inference that spirits could not be poured out and drunk in the shop?—I shall be glad to give the Act I refer to to your Secretary. I do not venture to give any opinion as to who is right or who is wrong, but that is what I understand the law to be.

5018. *Mr Campbell Swinton*.—When you talk of sealed bottles, do you mean that there is merely a seal on the top, or do you mean that the seal goes down on the neck of the bottle in such a way that it has to be broken before the cork can be drawn?—I do not think there is any of the wax falling over on the neck of the bottle.

5019. Then what is the advantage of the seal?—The advantage is that, supposing a bottle was sold on the premises, and partly consumed and partly carried away, the seal being necessarily broken would be positive evidence that the law had been violated. Suppose that a policeman found a woman coming out of a grocer's shop with a bottle of spirits, and had reason to think she had been drinking a portion of it, an examination of the seal would show whether the bottle had been opened or not.

5020. The same discovery could be made by examining a bottle that had been corked, but not sealed?—It might be so, but it would not be so conclusive.

5021. Are the grocers who are prohibited from selling except in sealed bottles allowed to keep their casks in the same part of their premises where they keep the bottles, and where the sale goes on?—To a certain extent.

5022. Therefore a grocer in those circumstances could, in the presence of his customer, fill a bottle from the cask and sell it?—No doubt he could, I think.

5023. Without being guilty of any offence?—The whole point turns on the sale, and the sale is regulated in a particular way. I may state that a great effort is now being made to prevent drunkenness in our counties by the introduction of what are

called 'counter-attractions'—places where working men may be better entertained than in a publichouse. We find that where large numbers of people have to live in small houses and miserable cottages, perhaps with only one room, they are frequently driven into the publichouse as a place which is better lighted and more airy than their own homes, and where they and their friends may spend a comfortable evening together. In order to counteract the attraction which the publichouse undoubtedly possesses, clubs and coffee and cocoa houses are being established, and in this way a great deal is being done to make working men comfortable, and to remove the temptation to intemperance. The Artizans' Dwellings Act of Mr Cross is also doing a great deal of good in the towns and populous places by doing away with overcrowding, and thus making the homes of the labouring population more healthy and comfortable, and better calculated to induce those people to spend their evenings at home.

5024. *Mr M'Lagan*.—Are they allowed to sell spirits in the working man's clubs to which you refer?—No, there are no spirits allowed whatever.

5025. Nothing but coffee?—Coffee and tea and cocoa. There are also periodicals, and the men may smoke their pipes and enjoy one another's society.

145. Mr THOMAS CLARK, Airdrie, examined.

5026. *The Chairman*.—You are county procurator-fiscal at Airdrie?—Yes.

5027. How long have you held that position?—For seven years.

5028. Are there many licensed grocers in Airdrie?—I think there are about 18 just now.

5029. Have some of them low rentals?—A good many of them have low rentals.

5030. Do you know the proportion that have rentals under £10, and under £20?—I do not think there are any under £10. There may be some under £20, but I could not say what proportion.

5031. Have there been any cases in the justice of peace court of grocers charged with breach of their certificate?—There was none last year.

5032. *Sheriff Crichton*.—Were there any before that?—There were 4 convicted in 1876 in the county court, and 4 in 1875.

5033. *The Chairman*.—Do you know whether the attention of the police has been called to cases of alleged evasion which were not brought into court?—Yes, there have been a good many cases of alleged evasion which have not been prosecuted.

5034. Have the cases been reported to you?—No, they do not as a rule come before the county procurator-fiscal.

5035. Have you much knowledge yourself of the way business is done in those shops?—I have had an experience of about twenty years in the Sheriff Small Debt Court, and have seen a great many cases brought up.

5036. Have you had many cases in the Small Debt Court of actions to recover accounts?—A great many. I have not been personally engaged in them, but I have heard the cases, and know intimately about them.

5037. Do you mean actions at the instance of grocers?—Yes; there are such cases every court day.

5038. Have you seen entries in those accounts of liquor?—Very frequently.

5039. Have these ever been disputed?—Very often.

5040. Have those entries generally been put down as liquor, or have some other things been put down to the amount of the liquor?—Liquor is very rarely entered as such; it is mostly entered as some eatable.

5041. In a number of cases?—In a great many cases. I was for ten years sheriff-clerk at Airdrie, and remits were frequently made to me to eliminate and take out the entries of spirits out of the pass-books, and I used to find that one or more loaves or some other article would be entered, the price of which would correspond with the price of a glass of whisky, or a gill, or a half mutchkin.

5042. Was a loaf frequently put down?—Very frequently.

5043. *Mr Campbell Swinton*.—If a loaf was put down, and the price exactly corresponded with what so much whisky would be, you took that as proof that it was whisky?—Not necessarily. We generally got information from the person objecting to the system carried on, and by taking an average of the number of loaves required for the use of the family, we judged if the loaves entered were greatly in excess of that number, that the excess represented liquor.

5044. *The Chairman*.—Did it appear that those debts for drink had been contracted without the husband's knowledge?—In a great many instances, and that led to the pleading of the Tippling Act—rather a mean plea, I think.

5045. Do you think the false entry was made to deceive the husband or to evade the Tippling Act?—For both purposes, I should think.

5046. If the husband appeared and said the drink had been procured without his knowledge, you would know that the false entry was made to deceive him?—Yes.

5047. I suppose, then, that in some cases you would know?—Yes, from the husband objecting, and stating that the drink was supplied without his knowledge, and entered fictitiously in the pass-book.

5048. *Mr Campbell Swinton*.—In that case would the grocer be examined?—He would appear as a litigant, and the defender would be there also.

5049. Would the grocer be examined as a witness?—Yes.

5050. And would he maintain that the entry really represented a loaf?—If it was really a wrong entry it was very rarely supported.

5051. *The Chairman*.—Was the deception commonly admitted?—I almost never saw it seriously maintained if it was a wrong entry.

5052. You have told us, I think, that it is currently reported that the Act is frequently evaded by licensed grocers, but that very few are brought into court?—There are not so many brought into court as there might be, I think—at least that is the impression I formed some years ago. I have not had my attention directed to the matter so much recently.

5053. *Mr M'Lagan*.—Can you tell us for what evasion of the law it was that the four parties you told us of were convicted in 1875 and 1876?—I could not say.

5054. Was it for drinking on the premises?—It is probable it may have been for that, but I could not say. It must have been either drinking on the premises or Sunday selling.

146. *Mr JOHN RODGER,*
147. *Mr ALEX. S. WHYTE,* } examined.

5055. *The Chairman*.—(To *Mr Rodger*).—You hold a grocer's licence in Glasgow, I understand, but do not sell groceries?—Yes. I have three shops, which I manage in conjunction with my son.

5056. Did you always hold the same kind of licence?—No, I held a publichouse licence for twenty-four years; but during the last three years I have held a grocer's licence. I hold two just now.

5057. You held both a publichouse licence and a grocer's licence?—Yes, at one time; but I have given up the publichouse licence.

5058. Did you hold the licence for separate shops?—Yes, for separate shops; but, as I said, I have given up the publichouse licence altogether, and, along with my son, now hold three grocers' licences, under which we sell wines, spirits, and ales. We sell no groceries or provisions.

5059. How long is it since you gave up the publichouse licence?—About four years ago.

5060. Does the same class of persons resort to your present store that used to go to your publichouse?—Very similar.

5061. Both men and women?—Principally women, and boys and girls. GLASGOW.

5062. Do you mean those who go to your present shop?—Yes. *John Rodger;*
A. S. Whyte.

5063. But they do not go to the publichouse? I want to know how far the same class of customers come to your present shop as used to go to the publichouse?—My present customers are not exactly of the same class. Of course, in the publichouse there was a great deal of carrying out of spirits and ales, as well as from my present shop, and to a certain extent the same class of people came to the publichouse as now come to the spirit store.

5064. Does it consist with your experience that respectable women who come to your present shop to carry away what they want would not have gone to your publichouse?—There may be a few respectable women who come to me now who would not have come to me when I had the publichouse; but in a locality inhabited by working people, there are very few who would be deterred by that.

5065. But even now you don't sell provisions?—No.

5066. Therefore the same class of women are only coming for spirits, and not for ordinary groceries?—Yes. I never did deal in groceries.

5067. Do your customers take away what they get from you in open vessels?—Sometimes in open vessels, and some times in bottles.

5068. Do you mean jugs and tea cups?—Jugs for beer, and small flask bottles for spirits.

5069. How much would these bottles hold?—From a gill to four gills.

5070. Would it be any hardship to you to be prohibited from selling spirits except in a closed bottle?—It would be a very great hardship.

5071. Why?—In a district inhabited by working people the business is quite different from what it is in the west end. People in the east end of Glasgow where my business is, carry their goods away in very small quantities; and if a labouring man with 20s. a week got wet and wanted a glass of spirits, I think it would be a hardship to compel him to buy a bottle.

5072. Would there be any hardship if a small bottle were used,—a bottle say holding only a gill?—My experience as a spirit-dealer in a locality occupied by a working-class population is, that the people like to see their goods measured out and put into the bottle, and the greater number of them bring their own bottles.

5073. But if they brought a small bottle empty you could give them a similar one full?—Oh yes; but it would make a great deal of difference in our trade. I would decidedly object to have any closed bottle.

5074. I am unable to see why?—For example, we sometimes sell as little as one glass and put it in the customer's bottle; now, it would be a great deal of trouble to have to cork and seal those bottles.

5075. We have not talked about sealing—I don't put a bottle out of my shop without corking it, even though it is only a glass of spirits.

5076. Then you do very much what I have spoken of with the exception of sealing?—Yes.

5077. *Sheriff Crichton*.—Have you those bottles filled and ready, or do you fill them when the customer comes?—We generally fill them when the customer comes in.

5078. Have you any filled and ready?—We have at times, on a Saturday night, in case we should be extra busy; I have seen us having a few filled for that reason.

5079. *Mr Campbell Swinton*.—Would it be a great hardship if you were obliged to have them all in the shop ready corked, and the cask kept down in the cellar or elsewhere?—I think it would be a great hardship.

5080. Why?—To have to run down into the cellar and cork a few bottles and carry them up, would have a detrimental effect, I think, on the spirits.

5081. Have people ever endeavoured to persuade you to let them drink spirits on the premises?—There may have been a case or two of that; but they are few.

GLASGOW.
—
John Rodger;
A. S. Whyte.

and far between. We never allowed them to do it. A party may come into the shop and ask a glass of spirits without knowing what sort of licence we have; but after we explain that we have not a licence which permits consumption on the premises, they generally go to the next publichouse.

5082. Do they sometimes get drink and go out and consume it on the door step?—No, they generally go to the nearest publichouse and get what they want.

5083. But when they do get it from you do they ever go out and drink it on the street?—Not to my knowledge; if we suspected that, we should in no case give it to them at all. A woman comes for one glass of whisky and carries it home perhaps to her husband; or a boy comes for a gill of whisky and carries it home to his father, and so on.

5084. On the occasions when you give it out in open vessels, do you give it out sometimes to children?—Beer is given out in open vessels to children; but in all cases spirits are put into a bottle and corked, even if it were only one glass.

5085. Do you think that what you explain as your own custom is a general practice?—It is the general practice of the trade.

5086. Would you have any objection, if it were for the public good generally, to the police having the same power of entering your premises as they have of entering publichouses?—Not the slightest.

5087. I suppose no respectable member of the trade would?—In my experience as a spirit-dealer, I have never been troubled with the police coming in and examining my premises; and it is the case with most respectable dealers, I think, that the police do not trouble them. The police seldom interfere unless they have good ground to suspect that an illegal traffic is going on.

5088. You know they have rather limited power with regard to the holders of grocers' licences at present; but you would not object to their having the same extensive power in regard to you as they have in regard to publichouses?—Not the slightest objection.

5089. And none of the respectable members of the trade would, I suppose?—I don't think they would.

5090. You have been in business both as a publican and a licensed grocer. Which branch of the trade do you think is most liable to lead to possible drunkenness on the part of the people?—I think the business I now carry on a great improvement on the trade I had in the publichouse. So far as women are concerned, they can come in and get what they want and go away without any risk of annoyance from promiscuous people at the counter. When I had a publichouse there were often young men drinking at the bar, and they would frequently ask the women, if they knew them, to partake of what they were drinking. Now, women can come into my shop, get served, and go away without being brought in contact with any such temptation.

5091. *Mr Ferguson.*—Is your business a ready money one, or do you give credit?—Entirely ready money; we give no credit.

5092. *Mr Campbell Swinton.*—And you have no difficulty in getting your money?—No difficulty whatever.

5093. *Mr M'Lagan.*—Were your publichouse and your shops for the sale of excisable liquor not to be consumed on the premises close to one another?—No.

5094. Were they in the same street?—No, they were about a mile distant from one another.

5095. Can you tell us if most drink was sold to be consumed off the premises from the publichouse, or from this other kind of shop?—There was not a great deal of difference as far as my two shops were concerned; but I believe that generally a party who does not sell to be consumed on the premises just sells as much as any publican whose premises are of the same dimensions.

5096. *Sheriff Crichton.*—It has been suggested that no spirits should be sold unless they have been two years in bond; would that be a hardship to the trade?

—It would depend entirely upon the position of the business.

5097. It would add to the expense of carrying on the trade?—Yes. It would also affect the trades who had not sufficient capital to carry on a business of that kind. When spirits are bought by the trade they are generally put into the distiller's warehouse, and as their terms are generally from 14 to 30 days' credit, if a man had to keep all his spirits two years before he used them, he would have to have his money lying out all that time before he could realise any profit. That, I think, would be a hardship.

5098. *The Chairman.*—But would it not ensure the spirits being a great deal better?—Yes.

5099. *Sheriff Crichton.*—Did you sell the same kind of spirits in the publichouse as you do in your present shop?—Something similar; but we sell at about 5 to 7½ per cent. less profit than we did in the publichouse.

5100. *The Chairman.*—What is the difference between the spirits you now sell and that which you used to sell in the publichouse?—What we sell in the store is a little stronger; there would be more water generally in the publichouse spirits than in what we keep in the store.

5101. *Mr M'Lagan.*—Would you consider it a hardship if a law was passed to the effect that no spirits should be sold under proof, and that water should be considered an adulteration?—I would not consider that a hardship; I do sell a large quantity at proof.

5102. *The Chairman.*—(To *Mr Whyte*).—Do you agree with Mr Rodger's evidence generally?—Yes, I do agree generally with what he has stated. My position is this—I had a publican's certificate up to last year. At that time my premises were wanted for the operations of the City Improvement Trust, and I had to remove, and when making a change at any rate, I resolved to confine my business in future to a family trade alone. I did not care about many of the disagreeable associations connected with the drinking on the premises. It so happened when I was looking out for premises that I found a locality in which publichouses were not allowed, and I took a shop there and applied for a grocers' licence. Of course had there been another kind of certificate,—if there had been a wine merchant's certificate, I would have applied for that. I admit that I hold a somewhat anomalous position in holding a grocer's certificate, as I do not sell provisions, but that position is entirely owing to the state of the law, as I never pretended, either to the licensing authorities or the public, to be a grocer. My premises are fitted up as a spirit shop, and were visited by the magistrates previous to being licensed. They knew I was to carry on the same kind of business as previously, only I was not to permit consumption on the premises. What I desire to point out is, that if it is found necessary, where the sale of groceries and spirits is combined, to impose certain restrictions, parties in my position should be excluded from those restrictions, inasmuch as the objections do not apply to us. Perhaps I may be permitted to point out in the bill introduced by Sir Robert Anstruther, provision was made for parties in my position. In the 5th clause, which refers to bottles being sealed, and nothing less than a quart being sold, it says:—'Provided nothing herein contained shall apply to dealers in excisable liquors only.' Now, I think it would be only fair, seeing that in giving up my publichouse licence for a grocers' licence, I have given up the greater for the less, and at a sacrifice to myself have imposed restrictions on my business, that additional restraints should not be imposed upon me unnecessarily.

5103. What restrictions do you allude to?—I allude to the proposed restriction as to sealed bottles. Considering that my business is really what it was before,—that of a spirit-merchant. I think that restriction should not apply to me if it is proposed to put it in force.

5104. *Sheriff Crichton.*—You think that while that restriction may be applicable to grocers it is not applicable to the business you carry on?—That is my opinion.

5105. *Mr Ferguson*.—Would you object to the police having enlarged powers to visit your premises?—I was not aware until I saw it mentioned in the evidence given before this Commission that I am under less police supervision than when I held a publichouse licence. I now understand that that is the case; but so far from objecting to the fullest supervision, I would rather invite inspection. I do not think it has been suggested that in a business such as mine any drinking goes on on the premises; it is scarcely reasonable to suppose that any one in my position would seek to do that which by a voluntary act of his own he had prohibited himself from doing.

5106. *Mr Campbell Swinton*.—But all the members of your trade have not performed that voluntary act?—No, certainly not; but I think those who are interesting themselves in the cause of temperance, would consider it a step in their direction if the large portion of the spirit-merchants would give up their right to sell for consumption on the premises, and that at least those who voluntarily do so should be encouraged and not hampered.

5107. Supposing that the proposal to limit the sale to sealed bottles were introduced for the purpose of removing the temptation to consume on the premises, would that not be as necessary in your case as in the case of grocers?—I do not think that consumption on the premises could be carried on in our premises in the way it could be done in a grocer's shop. No one can enter our premises on the pretence of ordering any other thing than spirits; and I think it would be evident at once in the locality if any one in our position was selling for consumption on the premises.

5108. *Mr Ferguson*.—Are your premises suitable for drinking on the premises?—I have just an open counter; there is no drinking accommodation,—no rooms, and no facilities for drinking.

5109. People just come and give orders at the counter?—Yes; just come and get what they want and take it away. There are windows all round.

5110. *Mr Campbell Swinton*.—Is yours entirely a ready money business?—Entirely; I give no credit at all.

5111. *Sheriff Crichton*.—Do you object to be limited to selling corked and sealed bottles?—I have already said that, considering myself a spirit-merchant, no restriction that does not apply to spirit-merchants should apply to me.

5112. *Mr Campbell Swinton*.—There is a restriction to which you have not alluded—the restriction as to hours. You do not desire to have any extension of hours beyond what you at present have?—No. If I had groceries I might open earlier in the morning on the pretence of selling groceries; but as I sell nothing but drink, the police would know at once, if I opened earlier, that I was violating my certificate. I close half an hour earlier during the week.

5113. *Sheriff Crichton*.—You would not object to the hours being shortened?—As a dealer in spirits I should rather like it. But whatever regulation is made regarding hours I think should apply to all licensed houses alike.

5114. *Mr Ferguson*.—Do you find that you have as satisfactory a business in point of remuneration as you had when you had a publichouse?—I have no hesitation in saying that I could do almost a third more business if I had a publichouse licence where I am just now. But I am willing to be doing with what I have.

5115. But still there is enough of business to make it worth any man's while to conduct it in that way?—That is the case.

5116. *Mr Campbell Swinton*.—Have you any particular reason for not combining the grocery trade with your present business?—I'm not a grocer, and I don't want to be a grocer.

5117. You agree with those people who think a man must be educated to be a grocer in order to be a good grocer?—I think if a man is to be a grocer at all he should have served an apprenticeship to the business. I understand that most of them have done so, although an eminent witness stated here that he had never heard of it.

5118. Is there anything else you desire to add?—GLASGOW,
John Rodger;
A. S. Whyte.
The large price paid for good-wills of spirit businesses has been alluded to. Our respected Lord Provost, I think, cited a case where £500 had been paid for a shop in which there was only £6 worth of goods. That must have been a very extreme case; I never heard the like of it. But, notwithstanding, I do not think that the large prices paid for good-wills of shops should be a matter of regret to the authorities, but rather the reverse, because, I think, that gives all the better a guarantee that the business will be well-conducted and the licence taken care of.

5119. *Mr Campbell Swinton*.—What is the rent of your shop?—£55.

5120. (*To Mr Rodger*).—What is the rent of your shop?—£19.

5121. Are all of them £19?—Yes, they are £19 each.

5122. They are a good bit away from each other?—Yes; but they are all in localities inhabited by working men. My shop in the east end, if it were in the west end, would be value for £100.

5123. Do you not find a difficulty in getting a licence for three different places from the magistrates?—There have been difficulties in some instances; in some cases they have refused to give one man more than one licence.

5124. You cannot superintend all the shops yourself?—Oh, yes. There are men in Glasgow who have seven or eight licences and superintend them all.

5125. That is to say, they are in their shops occasionally?—Perhaps two or three times a day. I am two or three times a day in my shops.

5126. *Mr M'Lagan*.—Are the licences all in your name?—I have two in my own name, and my son, who is a partner with me, has a third licence. We superintend the three shops between us.

5127. In the case of those gentlemen who have seven or eight licences, are the licences all taken out in the same name?—Yes. In those cases the licences had been taken out a number of years ago. Now I believe there are restrictions as to the number of licences issued to one person, at least to a certain extent; but within the past year or two the magistrates have granted licences to a party who had more than one licence.

5128. (*To Mr Whyte*).—You seem opposed to selling spirits in open vessels of any kind,—I mean, for instance, a cup or jug. Supposing a law were passed prohibiting parties from selling in open vessels, would that be any great inconvenience to the public?—Certainly not. What I want to impress upon you is that I consider myself a spirit-merchant.

5129. You want yourself to be in the same position as a publichouse dealer?—Yes.

5130. (*To Mr Rodger*).—Have you anything more to add?—There is only one other thing I wish to add; that is, that I think the law should be altered so as to make the licence the property of the tenant, so that in cases where shops are two thickly planted a spirit-dealer might remove to another locality, provided he could satisfy the magistrates that the premises were equally suitable. In the present state of the law that cannot be done.

5131. You think a man might be entitled to carry his licence away with him, provided he took as suitable premises as the old ones?—Quite so. That would, I think, prevent unscrupulous landlords taking advantage of their tenants. There have been some cases in Glasgow, within the last year or two, where properties have changed hands, and the proprietors have come to the spirit-merchant and said they had bought too dear, and have in some cases doubled the rent. If spirit-merchants were put on the same footing as other traders, when he was aggrieved in that way he could remove to other suitable premises in the same locality.

5132. *Sheriff Crichton*.—(*To Mr Whyte*).—I think you have something more to say, Mr Whyte?—I think it would act beneficially if the parties found drinking in shops contrary to the law had their names published as well as the holder of the licence.

5133. *Mr Campbell Swinton*.—You mean that the

GLASGOW. purchaser who is found drinking in a shop whose licence does not permit of consumption on the premises should be punishable as well as the seller?—Yes, and that his name should be published. I have no doubt that many a time a grocer is importuned to give liquor by an influential customer when he would rather refuse. I may state that I have been connected with the trade more or less all my life, and for several years up till lately I was a traveller in the trade, and my experience is, that in Glasgow grocers' licences are not abused. On the other hand, I know that in some other places they are very much abused.

5134. You mean that in your experience as a traveller in the country districts you have seen cases of abuse?—Yes.

5135. *Mr Ferguson*.—Have you any experience of travelling in Edinburgh?—No; but I have been half-way to Edinburgh travelling.

5136. *Sheriff Crichton*.—I suppose you mean Falkirk?—You have about hit the mark.

5137. Have you seen in Falkirk violations of grocers' certificate?—I should not like to name the place, but you are not very far off the place when you say Falkirk. I may say that there are two little seaport towns not far from Falkirk, where drinking on the premises was very common.

5138. *Mr Campbell Swinton*.—You mean that it was very common to see drinking on the premises in grocers' shops?—Yes. The shipbrokers used to drink there in the grocers' almost quite openly; there was no hiding about it.

5139. *Mr M'Lagan*.—I suppose you may say Grangemouth and Bo'ness?—You are about right. (See also App. D, p. 497.)

W. Johnston. 148. Mr WILLIAM JOHNSTONE, Govan, examined.

5140. *Mr Campbell Swinton*.—You are a licensed grocer, and, unlike the two gentlemen last examined, you sell provisions?—Yes.

5141. How long have you been in the trade?—Fifteen years. I was bred to the trade.

5142. Where is your shop?—In Govan.

5143. What rent do you pay?—£50.

5144. Are you ever importuned by customers to let them have drink on the premises?—Very seldom.

5145. But people do sometimes come in and want a dram?—Occasionally they do, but we tell them that we have no authority to sell to be consumed on the premises, and the parties go away quite pleased.

5146. Do you think people ever get drink from you and go out and consume it immediately outside?—No, I never knew of them doing that.

5147. Do you think that if they are refused by you they usually go at once to the publichouse?—It is likely they do.

5148. What hour do you open your shop?—8 o'clock in the morning.

5149. You are entitled to open at 7, but you do not open till 8?—Yes, because if we opened before that we should be bothered by people wanting to buy spirits.

5150. When do you close?—At 8 o'clock.

5151. Then you would have no objection that these should be made the statutory hours of opening and shutting?—I should be glad, indeed, if the hours were from 8 to 8. I go in for short hours.

5152. You do not think the working classes have occasion to resort to the grocer's shop later than 8 o'clock?—I think 8 o'clock quite late enough. The working people of Glasgow all cease working at 5 o'clock, and that would give them three hours to get in their provisions. I may say that where my shop is it is a thoroughly working class locality; and the greater part of my trade in spirits is in small quantities,—gills and two gills.

5153. In what kind of vessels?—In bottles,—even though it is only one or two gills.

5154. Bottles small enough to hold that quantity?—Yes.

5155. Are they corked?—Yes; we always cork the bottles.

5156. Do you cork them so securely that the cork could not be drawn without a screw?—I do not think that. Sometimes, when we are in a hurry, we might knock the cork in slack; but as a rule we put the cork in pretty tight.

5157. Would you consider it any hardship if you were not allowed to sell spirits except in a bottle,—I'm not speaking about sealed bottles?—I do not think it would be any hardship if we were allowed to sell in gill bottles; but it would be a great hardship to me—it would almost take away my spirit trade altogether—if we were restricted to a quart or even pint bottles.

5158. But you would not object to a gill bottle?—No.

5159. And corked?—No.

5160. Would you object to seal it?—No, I don't think it would be any trouble to seal it.

5161. Would it be a great inconvenience to you suppose the legislature thought it a wise thing not to allow you to keep the cask in the shop,—to have nothing in the shop but sealed bottles?—I think it would be a hardship.

5162. It would give some trouble, but would it be a very great hardship?—It would be a hardship to a person who had not a back shop to have to run up and down the cellar stair for a gill of whisky.

5163. But could you not have the bottles filled before-hand, and arranged on the shelves of the shop ready for sale?—Yes, but you might happen to be out of them.

5164. But suppose it was thought desirable for the sake of preventing facilities for drinking on the premises, you don't think it such a hardship but that it might be overcome?—I have no objection to the gill bottle whatever.

5165. But to having the casks kept elsewhere than in the front shop you would object?—I think we should have the casks in the shop,—at least in the back shop.

5166. *Mr Ferguson*.—You would not object to their being in the back shop?—I would not object to the casks being kept in the back shop; but I would not care about having to keep them in the cellar.

5167. *Mr Campbell Swinton*.—Do you, in point of fact, fill the bottles out of the cask in presence of the customer?—We do. I never kept a bottle in the shop filled, because I find that the great majority of customers like to see the spirits measured out and put into the bottle; they think we do not give them the right measure when they do not see it measured out themselves.

5168. But they would see through the glass if the bottle was full?—Yes, but they prefer to have it measured out before their eyes—at least the working people who come to my shop do.

5169. How old is the whisky you sell, generally speaking?—I could not say. Sometimes I have it nine months, and sometimes as long as eighteen months, in bond before I take it out.

5170. It is much stronger when it is new than after it has been two years in bond?—Yes; the longer it is in bond the weaker it becomes.

5171. And it is better after being kept for two years?—Decidedly.

5172. Would you have to charge more for it if you were allowed to sell none but what had been two years in bond?—Yes, we should require to sell it dearer.

5173. *Sheriff Crichton*.—Is it grain whisky or malt whisky you deal in principally?—Mostly malt whisky.

5174. *Mr M'Lagan*.—Is your house in connection with your shop?—No, it is a good distance away.

5175. Then as a licensed grocer do you object to the house being in connection with the shop?—I would rather live away from the shop.

5176. Do you think that should be the rule?—Yes.

5177. Have you a back door?—I have a door in the close, but my shop is out of the city of Glasgow.

5178. I presume you use that door principally for taking in casks of spirits and grocery goods?—That is quite the case.

5179. Do you think it would be an inconvenience to a licensed grocer to be without a back door?—No, I don't think it would.

5180. You think a back door might be done away with?—Quite easily.

5181. *Sheriff Crichton*.—It has been said that no one who has not served an apprenticeship to the business should get a grocer's licence: have you any opinion upon that point?—I think every man who has been bred to the trade should get a licence if he wishes it.

5182. But if a person is not bred to the trade do you think he should not get a licence?—I don't think he should. I may say I have noticed a good many statements to the effect that women learn to drink in grocers' shops. I really do think those statements are exaggerated. I have been fifteen years in the trade, and I have been in poor localities and also in the west end of Glasgow, and I never knew of a case of a woman who learned to drink by coming to a grocer's shop. I never knew of any servant who learned to drink in that way.

5183. *Mr M'Lagan*.—What do you mean by learning to drink?—Some of the witnesses said that women learned to drink by going to the grocer's shop.

5184. Do you mean drinking on the premises?—No I don't mean that; I mean getting drink at the grocer's shop and taking it away—coming in for provisions, and getting spirits.

5185. Then it is not the wives that generally come to get provisions?—There are a good many wives come.

5186. And there are facilities afforded for those wives getting drink and taking it home?—Of course, the spirits are there.

5187. But you don't know what the women do with it when they take it away?—We don't know whether it is for themselves or who it is for.

5188. *Sheriff Crichton*.—Do many young people come to your shop for drink?—Yes, a good many boys and girls come.

5189. To take it home?—Yes.

5190. As messengers from their own houses?—Yes.

5191. *Mr Campbell Swinton*.—Do you refuse to supply them?—No, not if they come at the proper hours.

5192. You probably know them, and that they are coming as messengers?—Yes, some of them are coming to the shop nearly every day.

5193. If a child you never saw before was to come and ask for whisky, I suppose you would not supply it?—Well,—I would.

5194. If a child of twelve years of age were to come, would you give it?—If the child had a bottle I would.

5195. You think the fact of its having a bottle would show that it had been sent by the family?—I would not hesitate to give it a gill of whisky if it had a bottle.

5196. Suppose the legislature considered it advisable for general reasons to separate the trade of grocer and spirit-merchant, which would you stand by?—I believe I would choose the groceries.

5197. *Mr Ferguson*.—Would that be because you would expect that to be as profitable, or for what reason would you make that selection?—No; I would simply prefer to go with the groceries and give up spirits.

5198. Even if it were at a disadvantage to yourself as far as profits were concerned?—Yes.

5199. Which do you consider to be most profitable?—The spirits are decidedly the most profitable.

5200. *Mr Campbell Swinton*.—Then you don't agree with the two gentlemen who were last examined who preferred to deal in spirits without groceries?—No; I do not approve of that sort of licence at all. I would rather such dealers would go into the publichouse business at once. I do not think it is fair to allow them to carry on the business in the way they do.

5201. *Mr M'Lagan*.—Why?—Because they are granted grocers' licences, and ought to sell groceries; it is a condition when they get the licence that they should sell groceries.

5202. How many licensed grocers are there in Govan?—I really could not say.

5203. About how many?—I think about 40 or 50.

5204. *Sheriff Crichton*.—And how many are there unlicensed?—There are a good many unlicensed. GLASGOW.

5205. As many as there are holding licences?—I believe there are. W. Johnston.

5206. *Mr Campbell Swinton*.—Have the unlicensed grocers a good trade?—For anything I know they have; there are some good unlicensed grocers. I may add that in my opinion it would never reduce drunkenness to restrict grocers to a pint or quart bottle and still allow the publican to sell small quantities, because people would just go to the publichouse for their spirits.

149. Mr WILLIAM ORR, Irvine,
150. Mr JAMES M'GILLIVRAY, Irvine, } examined.
151. Mr PETER KENNEDY, Ayr,

Wm. Orr; J.
M'Gillivray;
Peter Kennedy.

5207. *Mr Campbell Swinton*—(To Mr Orr).—You are one of the magistrates of Irvine?—I was.

5208. How long?—For four years.

5209. Were you a bailie?—Yes.

5210. Are you a licensed grocer?—No; I am in the grain trade.

5211. Are you here along with Mr M'Gillivray as representing any association?—Yes, the Irvine and Halfway Licensed Grocers' Association.

5212. But you are not a licensed grocer?—I am not a member of the association, and I do not represent it, but I was asked to come and give evidence along with Mr M'Gillivray.

5213. Have you any opinions to express on the subject of our inquiry?—My attention has of course been turned to the inquiry going on, and from my experience I do not think it would be productive of any good to separate the sale of spirits from the grocery trade.

5214. You don't agree with those witnesses who hold that the junction of the two trades gives undue temptations and affords too great facilities for procuring drink?—I do not. I think it would be touching perhaps the purest part of the trade.

5215. That is to say, if you take away the groceries from the spirits?—Yes.

5216. On the other hand, to take away the spirits from the groceries would be to touch the impure part of the trade?—I mean to say that there are greater evils connected with publichouses than with licensed grocers' shops.

5217. Are there a great many licensed grocers in Irvine?—A good many.

5218. And a good number of unlicensed houses too?—Yes.

5219. Have the licensed grocers any advantage in point of extent of trade over the unlicensed?—I believe the licensed grocers have the largest share of the trade.

5220. Have you any experience, in your capacity of a magistrate, of accounts being sued for on the part of grocers, some of the items of which were objected to?—None whatever. I have heard of such cases being before the sheriff, but I never had any case before me.

5221. Have you jurisdiction in cases of that kind, cases of breach of certificate?—Yes, in the burgh as a bailie, and in the district also as a justice of the peace *ex officio*.

5222. Have you had cases of breaches of certificate by selling during prohibited hours, or to be consumed on the premises?—Both.

5223. To any considerable number?—Considering the size of the place, we had in those years to which I refer a good many.

5224. *Mr Ferguson*.—Can you tell us how many licensed grocers there were at that time, or about the number?—I think the number of licensed grocers would not perhaps exceed four.

5225. You mean the number of convictions?—Yes.

5226. But I mean how many licensed grocers there were altogether?—Well, Irvine is peculiarly situated. It is divided by a river into two parts, and what we call the royal burgh is comparatively small. Then there is the parish of Dundonald, which embraces the other part

GLASGOW. of the town. Roughly speaking, I should say there were from 40 to 50 licensed grocers.
 Wm. Orr; J. 5227. *Mr Campbell Swinton*.—And of those you had
M^r Gillivray; only four convictions during your tenure of office?—Yes.
Peter Kennedy;

5228. Was that for selling to be consumed on the premises, or during prohibited hours?—Both.

5229. Was a conviction generally followed by deprivation of licence?—I think in only one case. As a rule the magistrates do not deprive parties of their licence until after the third conviction within a certain number of years.

5230. Do you think the same class of persons resort to the publichouse as to the licensed grocer's?—They are a decidedly different class in our district.

5231. You think that respectable people who would not go to the publichouse go to the licensed grocer's?—What I refer to as the evil of publichouses, is working people going in and sitting down and drinking. I think that is the greatest evil. All our street brawls are caused by parties who have been sitting in publichouses.

5232. *Sheriff Crichton*.—You said that a different class went to the grocer's to what went to the publichouse: to which did the best class go?—To the grocer's.

5233. *Mr Campbell Swinton*.—It is generally wives who are sent to purchase at the grocer's?—Almost invariably.

5234. Don't you think that gives them great facilities for getting liquor which they might not otherwise get?—It may, but I think the evils of the publichouse are greater.

5235. Evils of what kind?—Of men going in and sitting down. In some cases that came before the magistrates it came out that there was even gambling going on.

5236. Then you think it is for the men the women go to the grocer's for liquor, and not for themselves?—Yes, I think so. As a general rule it is for the use of the family.

5237. For the honest legitimate use of the family?—I think so.

5238. And you have no experience of the facilities for women getting liquor at the grocer's leading to habits of drunkenness on the part of women?—I have no experience on that point.

5239. Do you think, from your experience as a magistrate, and citizen of no mean city, that the habit of drinking has increased among women?—I really don't think it has.

5240. Have you any views to express to us generally except what you have told us?—Nothing further than that I might remark that I do not think the proposal to restrict grocers from selling less than a pint or quart would mitigate the evil. In that case I think people would endeavour to do what we have seen done in country places,—club together, if they could not get a gill, and buy a bottle and drink it.

5241. In that way you think such a restriction would lead to more home drinking?—Yes.

5242. But independently of size, do you think a bottle is a good vessel to give out spirits in?—My experience is that I almost never saw drink going out except in bottles; people bring bottles to the grocer's and get them filled and take them away corked.

5243. Even when they want such a small quantity as a gill?—It is almost invariably given out in bottles.

5244. *Mr M^r Lagan*.—It has been given us in evidence that the drinking habits of women and men are commenced at the grocer's, and that afterwards they go to the publichouse: that is not within your knowledge?—It is not.

5245. You have spoken of gambling going on in publichouses: of course the police, if they were aware of that, should have taken notice of it?—They did so.

5246. In some grocers' premises there is a back shop: have you never heard of parties sitting there and a little gambling going on?—I have heard of that.

5247. And therefore in that respect the grocer was no better than the publichouse-keeper?—We never had a conviction of a grocer for that offence.

5248. You could not get evidence?—It was merely hearsay.

5249. Then, do you think that if the police had had sufficient power to enter that shop—the same power as they have of entering publichouses—they would have got evidence to justify a conviction?—They would. I frankly admit that I thought the police had the same power; I was always under the impression that they had.

5250. Then you approve of their having the same powers with regard to grocers as they have with regard to publichouses?—Yes; and I also approve of the restriction of hours, not only of grocers but of publichouses.

5251. What would you restrict the hours to?—To 8 o'clock at night,—it's quite late enough.

5252. And when do you think they should open in the morning?—8 o'clock.

5253. It has been recommended by a witness that no licensed grocer should be allowed to sell spirits before 10 o'clock in the morning?—That would be a hardship.

5254. Would it be a hardship to the people in your district?—It would.

5255. (*To Mr M^r Gillivray*).—You are a licensed grocer?—Yes.

5256. And you belong to an association?—I belong to an association which was formed in March last.

5257. What is the name of it?—The Irvine and Halfway Licensed Grocers' Association.

5258. You come here very much to represent the views of that association as well as your own?—Generally, I do.

5259. Have you any statement to make?—I have held a grocer's licence for thirteen years.

5260. Were you bred to the trade?—No. I may say that my experience has been very different from that of some of the witnesses who have given evidence. I have had no experience of drinking on the premises, nor of giving whisky to servant girls coming into the shop; and for five years my shop was in the lower part of the town, while for the past eight years or so it has been in the principal part of the town.

5261. What rent do you pay?—£34 altogether.

5262. And the evidence you give is applicable to your experience in the humbler as well as the better part of the town?—Yes.

5263. Were you ever applied to by people wishing to get drink on the premises?—Frequently.

5264. But you never allowed them?—Never. I always explained to them that I had only a grocers' licence, and pointed out to them where they would get what they wanted.

5265. What class of people were they?—They were different at different seasons of the year. At fair times strangers might come in and ask; and when I commenced business first people in the town even came in and asked for spirits to drink; but I am very seldom indeed asked to allow drinking in the shop now.

5266. Since you are known?—Yes; I am not asked now unless by strangers.

5267. You sell in bottles?—Both bottles and jars.

5268. Corked jars which hold a considerable quantity?—Yes.

5269. You never sell in open jugs?—Never.

5270. Would you refuse to supply a woman if she came with an open jug and asked for a gill of whisky?—We are never asked that.

5271. *Mr Ferguson*.—If you were asked would you consider it a wrong thing to do,—as leading to temptation, I mean?—I cannot see the difference between giving it in a sealed bottle and giving it in a jug if the purchaser is to take it home; but if I supposed the party wanted to drink it outside the door I would think it wrong.

5272. *Mr Campbell Swinton*.—But suppose they were not to drink it outside the door, and if they had a long way to go home, would there not be a temptation to drink it on the road if it was in an open vessel?—I think there would be just as great temptation if it were in a bottle.

5273. What do you do when young children come

for drink?—If I know it is for their parents I supply them.

5274. You would not give it to a child you were not acquainted with?—No.

5275. And you would not give it to a child who brought an open vessel?—Certainly not.

5276. What hour do you open your shop?—8 o'clock.

5277. And you would not object to that restriction being laid on you by the legislature?—I should be glad if the hours were fixed by the legislature from 8 o'clock to 8 o'clock on ordinary week nights and to 10 o'clock on Saturdays.

5278. Why are people so late of buying their groceries on Saturdays?—It's just a habit they have got into.

5279. If it is only a habit, it would be broken off if the legislature were to fix 8 o'clock as the hour for closing?—People would have no difficulty in getting in their provisions even though 8 o'clock was the hour of shutting.

5280. You do not envy the publichouses for keeping open long after you?—Not at all. My experience is that those who come to my shop do not go to the publichouse.

5281. Are your house and shop under the same roof?—They are; but I get access to my house only by an outside stair.

5282. There is no internal communication?—None.

5283. Do you think it would be a good rule that there should be no internal communication allowed?—I think it would be a good rule. As to the restriction of the quantity we should be allowed to sell, to a pint bottle, I think that would be a great hardship to grocers; and not only that, but it would lead to endless confusion so long as the publicans were allowed to sell in smaller quantities. A party might come to me for grocery goods after having provided themselves with a small quantity of spirits at the publichouse, and they might be stopped by a policeman coming out of my door, and I might be blamed for having supplied them. Nor do I think that such a restriction would prevent drunkenness in the least, because those who wanted small quantities would still get small quantities at the publichouse.

5284. I suppose nobody ever asked you to mark down spirits under any other name?—No.

5285. *Mr M'Lagan*.—I think you mentioned that you were sometimes importuned by people to give them spirits to drink on the premises?—Yes.

5286. Did they ever threaten to withdraw their custom if you didn't?—No.

5287. Would you have any objection to its being made the rule that there should be no casks in the front shop or upstairs, but that they should be kept in the cellar?—I cannot see the object of removing them from the shop. It would require the shopkeeper who holds a grocer's licence to have a great deal more room if he had to keep the spirits in bottles.

5288. That would depend upon the consumption?—Of course; but no one would take out a licence unless they intended to sell a great deal.

5289. I suppose you would have no objection to the powers which the police have in regard to publichouses being extended to you?—Personally I should have none; in fact I was not aware that the police had not the same supervision of licensed grocers as they have of publichouses. At the same time it would be an objection to have a policeman coming into the shop and making an examination while ladies were at the counter. I have never been called upon by the police.

5290. Supposing, however, that the police had the same powers as they have in regard to publichouses, they would have greater difficulty in exercising those powers, for the reason stated by you?—I do not say that they would have greater difficulty; but it would not be pleasant, if ladies were standing at the counter, if a policeman were to come in and search the premises, unless there was reasonable suspicion that something was wrong.

5291. The police have power to enter just now if they have any suspicion?—Yes. GLASGOW.

5292. It has been suggested that no spirits should be sold which are not two years old: what do you think of that proposal?—The effect of it would be to drive a great number of people out of the trade. No doubt the spirits would be much better, because they would be more matured; and I think as a rule that grocers do endeavour to get spirits better matured than others.

5293. It would require a large capital to carry on business?—Yes.

5294. *Mr Campbell Swinton*.—The spirits would be more wholesome if they were kept for two years?—Yes, decidedly.

5295. Therefore it would be a good law,—if it did not press too hard,—that would make the whisky that is drunk more wholesome?—Yes, it would; but at the same time it could not be sold at 2s. a bottle, as has been stated before the Commission.

5296. If you were required to keep it two years before selling, what difference would it make in the price of a bottle?—You would require to get a reasonable per centage on the lying out.

5297. But what would the bottle cost if you were not allowed to sell spirits under two years old?—From 3s. to 3s. 6d.

5298. What is the present ordinary price?—From 2s. 6d. to 3s.

5299. (*To Mr Kennedy*).—Do you concur in the evidence given by Mr M'Gillivray?—Yes.

5300. Are there any points on which you differ from him?—Well, personally, I would not object to being restricted to selling less than a pint; only I do not suppose it would be fair to the trade generally.

5301. You are a licensed grocer?—Yes.

5302. Your sale, then, is chiefly for family consumption?—Yes.

5303. And you think it would not injure you if people were not allowed to get it in less quantities than a pint?—It would not affect me in any way; indeed, I would prefer it myself.

5304. It would bring a more respectable class of customers to you?—I think so.

5305. Is that the reason you would prefer it?—No; but it would suit my trade equally well to be restricted to that quantity.

5306. And in the interests of your customers, do you see any danger they would be likely to incur through being obliged to buy a pint when they only wanted a gill?—I cannot say that I see there would be any danger. It certainly would be a pleasanter trade to sell it in pints than to sell it in small quantities; I look at it in that light. I don't think it would be any protection to customers at all, because they could have access to other places.

5307. Perhaps it would be a pleasanter trade also if the cask were kept out of the shop altogether?—I can't see how that would suit. The grocer could not always be downstairs when the bottling was going on, and it would be away from his management entirely.

5308. Can't he bottle the night before, and have enough of bottles in his shop during the selling hours?—We like to get out of the shop after hours ourselves.

5309. Your shop is not in connection with your house?—No.

5310. Do you think it is a good plan that there should be no connection?—Yes.

5311. Is your house under the same roof?—No.

5312. Would you have any objection to the shortening of the hours during which your shop could be open?—I would have no objection to the hours being from eight o'clock to eight o'clock, even on Saturday nights.

5313. There is no reason why people should be late in making their purchases on Saturday evenings?—There is no reason why they should be late further than that it is their habit. But in order to have any effect in reducing drunkenness, I think every licensed house should be closed at the same time. In the district from which I come the drunkenness exists

GLASGOW. chiefly amongst the people who go into the publichouse, and sit there till eleven o'clock, and then going home. the worse of liquor.

Wm. Orr; J. M'Gillivray; Peter Kennedy. 5314. And probably not entering until late?—Not until after working hours.

5315. What is the rent of your shop?—£29, 10s.

5316. Is that an average rent, or is it a high rent for Ayr?—It is rather a low rent, but it is not a large shop. The shop is situated in New Bridge Street. The rent is perhaps lower than it might be, as the shop was secured by a party chiefly in my favour, and the rent has not been raised.

5317. Are there many licensed grocers in Ayr with much lower rents?—I believe there will be some, but not a great many.

5318. Have you anything further to add?—I have nothing more to say, except that I think that the hours of business should be shortened, and that any regulation in that way to be effectual should include all licensed houses, with the exception of hotels. I am convinced that unless that is done, the drinking habits of the people won't be checked.

5319. Mr M'Lagan.—Are the grocers in your district in the habit of hawking spirits in the country?—Not that I am aware of.

5320. They do not send out spirits in carts?—No.

5321. Mr Campbell Swinton.—Do they send out spirits in carts to people who have ordered them?—Not in Ayr.

5322. Sheriff Crichton.—Are there no grocers in Ayr who send out carts?—No.

A. Breingan; Geo. Lindsay. 152. Mr ALEXANDER BREINGAN, Banker, Helensburgh; 153. Mr GEORGE LINDSAY, Banker, Paisley Road, Glasgow; } examined.

5323. Mr Campbell Swinton.—Mr Breingan, you are a banker?—Yes, at Helensburgh.

5324. You were once provost of that burgh?—I was, for six years.

5325. You are a justice of the peace and commissioner of supply for the county of Dumbarton?—Yes.

5326. Also chairman of the School Board?—Yes; and I am still a member of the Town Council.

5327. You were at one time a licensed grocer?—Yes.

5328. For how long?—For twenty years.

5329. And you are now retired from business?—Yes, from that business.

5330. Have you any statement to make to us of your views on the subject of our inquiry?—I offered to give a statement of my experience of the licensed grocery business. I noticed, in the evidence taken before your Commission at Edinburgh, a good many statements to the effect that liquor is consumed in grocers' premises. I wish to state that in our district there is no such thing known. I was also a good deal surprised at the evidence given by some superintendents of police before you at Edinburgh, who said that the Forbes M'Kenzie Act did not give them sufficient power to enter grocers' shops at any hour to see whether an illicit traffic was being carried on. If such a traffic was attempted in Helensburgh, the justices would take away the licence from the party at the first opportunity.

5331. Have there been any such cases?—Not in Helensburgh.

5332. Have there been any cases, to your knowledge, as a justice of the peace, in Dumbarton?—Yes, there was a licence taken away from a grocer three years ago for selling after hours.

5333. On one conviction?—Yes, it was taken away in consequence of one conviction. I may state that the justices in Dumbartonshire are anxious to keep down the number of licensed houses as much as possible, especially publichouses.

5334. Do you think publichouses do more harm than licensed grocers' shops?—I think they do a great deal more.

5335. Is that the general opinion of the justices with whom you come into contact?—There are some who have strong objections to licensed grocers' shops, on the ground that they afford facilities to tradesmen's wives to get drink when they are going for provisions; but the majority of the justices are in favour of licensed grocers' shops rather than publichouses. During the past ten years there has been scarcely any addition to the number of licensed houses in Dumbartonshire.

5336. Whatever their opinions are, they apply the rule of restriction to both classes of licence?—They do.

5337. In Helensburgh, with a population of 8,000 at least, there are 22 licensed houses,—2 hotels, 10 publichouses, 2 refreshment rooms, and 8 licensed grocers?—Yes.

5338. That is about 1 to every 360 persons?—Yes.

5339. There are about other 12 grocers unlicensed in Helensburgh; but all the principal grocers who do a family trade are licensed?—Yes.

5340. You say there is a large country district supplied from Helensburgh by grocers sending out carts?—All the grocers send out vans—all the licensed grocers at least. They supply the houses on the Gareloch and in the direction of Luss.

5341. Has there ever been any allegation, or reason to believe that a hawking trade was carried on by means of those vans, and that they did more than merely supplied the orders received?—At one time there was a suspicion that something of that kind was done; but there never was any conviction that I am aware of, and there is not such a thing now.

5342. Have the drinking habits of the people increased or diminished of late years?—I think they have rather decreased. I requested the superintendent of the Helensburgh police to prepare a statement for me of the apprehensions for drunkenness during a series of years,—from 1872 to 1876. The return is as follows.—

Year.	Drunk and Incapable.			Drunk and Disorderly.		
	Males.	Females.	Total.	Males.	Females.	Total.
1872	66	33	99	66	37	103
1873	104	38	142	69	31	100
1874	104	28	132	46	33	79
1875	98	34	132	45	24	69
1876	43	22	65	40	14	54

5343. According to that table there is a diminution?—Yes, there is a diminution, and not an increase.

5344. Do you think the police are as vigilant as they used to be?—Quite as vigilant. I may add that the bulk of those drunk and disorderly cases were attributable to drinking in publichouses.

5345. That does not prove that there may not be drinking at home, because when a man gets drunk at home he does not come out?—That is quite possible; but the superintendent of police assures me that the great bulk of those cases arise from drinking in publichouses. They may have something before leaving home.

5346. But if a man is drunk and incapable in his own home the police don't find it out?—Not if he keeps there.

5347. While you were in the trade you had customers from all ranks of society?—Yes, from the labouring people of the neighbourhood to the nobility in the district.

5348. Were you ever asked for drink to be consumed on the premises?—I may have been, I really don't remember. I must have been asked, but I positively refused to sell drink to be consumed on the premises. I may have given a gentleman a glass of spirits on the premises.

5349. That was illegal?—I think it is illegal myself. I think the statute is quite clear that giving is a contravention of the certificate.

5350. Did women come largely to your premises, or do you know that they go largely to other people's premises for the purpose of getting drink for their

families?—They do more or less. In my own trade it was chiefly the gentlemen who bought the liquor.

5351. That was the higher class?—Yes; amongst the working people it is generally the wives.

5252. And they come in the forenoon while their husbands are out?—Yes, or in the afternoon.

5353. You don't think that that tends to them being led into habits of drunkenness?—I don't think so. My opinion is that there is not so much evil to be attributed to drinking at home as to drinking in public-houses.

5354. Do you think the working men's wives get the liquor unknown to their husbands?—I fancy they would in some cases; but I do not think that is very common. My experience in regard to women who are fond of spirits is, that they will get it by hook or by crook.

5355. The allegation is that it is the facility of getting it in grocers' shops that originates the evil?—I do not believe that. With regard to the proposal to limit the quantity that may be sold, I think that to fix the lowest limit at a pint or a quart would encourage drunkenness rather than otherwise.

5356. What would you say of insisting that, however small the quantity, it should only be sold in a corked bottle?—Certainly, I think it would not be much trouble to do that.

5357. By a corked bottle, I mean a securely corked bottle?—Yes, that it could not be drawn without a screw.

5358. You do not think sealing of consequence?—Not if the bottle is properly corked.

5359. It would be difficult to define in an Act of Parliament 'properly corked,' but it is quite easy to define 'sealed'?—Yes, but sealing is of little use.

5360. You would not sell in open vessels at all?—No.

5361. What do you say to not allowing the cask to be in the shop?—I think there might be a little difficulty there. Sometimes an assistant might not be in the premises, and if a gentleman called with his carriage for a gallon or a couple of gallons of whisky, the grocer would have to leave his shop to supply the order. It would also add to the rent of those people who have not a back shop or a cellar.

5362. Adding to the rent would not be a great disadvantage?—No, I don't think so; the greatest difficulty would be in supplying people who come for a quantity. I do not see that there would be any difficulty in putting it in bottles.

5363. You would not disapprove of a restriction in hours?—Certainly not; from eight to eight would be very suitable hours for grocers.

5364. You think they would have no reason to complain, or at least no serious reason, although publicans were allowed to remain open longer?—I think not; all the grocers' customers would be supplied before eight o'clock. Of course there are people who would drop in although they kept open till twelve, but I do not think it would be a hardship to have to close at eight o'clock.

5365. I suppose you agree with those who say that generally speaking the quality of the spirits sold by grocers is better than those sold by publicans?—That is my opinion decidedly. I have known doctors prescribing for invalids telling them particularly to go to the grocer for their spirits, for the reason that they would get them of better quality.

5366. *Sheriff Crichton*.—You have heard the suggestion about keeping the spirits in bond for two years; have you any opinion upon that point?—I think spirits are mightily improved by being kept for a few years. When I was in the trade I never sold whisky before it was two years old, and sometimes I had it a good many years old.

5367. *Mr Campbell Swinton*.—It would conduce to the health of the community if no whisky was sold until it was two years old; would it be a hardship to the trade to make that imperative?—To persons of limited means it would; but I do not think it would be a great hardship. Perhaps, however, twelve months

would be long enough to keep it; it is quite wholesome after twelve months. GLASGOW.

5368. *Sheriff Crichton*.—And there would be no hardship in a regulation to that effect?—I do not think so. A. Breingan;
Geo. Lindsay.

5369. *Mr Campbell Swinton*.—Do you think it would be possible to introduce a rent criterion in the granting of licences?—It might be a little troublesome; but I would approve of a rent criterion to be left to the licensing authorities. I think it is a mistake to licence small grocers' establishments, where the selling of groceries is a mere blind for selling drink.

5370. But if you take a rental criterion which is left to the justices, that exists at present—the licensing authorities may adopt that of their own accord?—Yes, But I am afraid they would not.

5371. You think if that was thought desirable, the legislature should give some indication of it?—I think so. I think where the magistrates are anxious to put down illicit drinking in grocers' shops, with the assistance of the police, there should be no difficulty in obtaining convictions if the law is really violated. It may take some time, but ultimately they would get a conviction.

5372. But speaking of this rental criterion, would it be possible to fix a minimum rent varying according to the population of the place?—And the locality.

5373. *Sheriff Crichton*.—You think population would not be enough?—No.

5374. It is so in England, you know; but you think that would not be sufficient?—No, it would require to be regulated by the local justices, because rents vary very considerably.

5375. *Mr Campbell Swinton*.—(To *Mr Lindsay*).—You are also a justice of the peace, *Mr Lindsay*?—Yes.

5376. And you are a banker also?—Yes.

5377. And a magistrate of the burgh of Kinningpark?—Yes.

5378. Do you concur generally in the evidence of *Mr Breingan*?—Yes, so far as it is general, I do.

5379. Is there any point on which you differ from him?—I wish to bear testimony to the honourable way in which the licensed grocery business is carried on in Glasgow. I have had considerable means of observing what they have been doing for, I should say, twenty or thirty years, and I am quite positive in saying that as a rule the grocery business is properly conducted, according to law.

5380. You are speaking of the city?—I am speaking of the city of Glasgow. Any danger that may arise from grocers' licences is altogether, I think, in the lower districts. Although in Glasgow there is not, so far as I am aware, much breaking of the law, yet from the conditions of those licences there is always a temptation to violate the certificate; and where the party is likely to remain undetected, I have no doubt whatever that it is a possible occurrence that the law may be broken. So far as Glasgow is concerned, I should be inclined to fix a minimum rental value, under which no licence should be granted. That is an extremely difficult thing to do in a general way; but in Glasgow I think no grocer should be licensed whose premises are not of the yearly rent of £40 or £50. I should say that is a low enough minimum for Glasgow.

5381. *Mr M'Lagan*.—Even in the lowest localities?—Even in the lowest localities. With regard to fixing a general law, I see the difficulty; but I think that might be overcome by the legislature directing the local justices to fix a minimum below which they would not grant any licences for a definite period. One year they might say, 'We shall not go below £10,' and another year, 'We shall not go below £40.' I would suggest that the licensing magistrates should be instructed to fix a minimum which they know to be suitable for the district, and which should be acted upon for a number of years.

5382. *Sheriff Crichton*.—For how many years?—I have not fully considered that question; but it might be fixed for 5 or 10 years. The justices could hold a court for the purpose of fixing a minimum for a certain period, at the expiry of which they could again meet and confirm or alter their former decision.

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5383. *Mr Campbell Swinton*.—Would you only propose to apply that to new licences?—Certainly. I would not touch vested interests.

5384. Though the question is not quite within the bounds of our inquiry, I suppose you think a similar plan might be adopted with regard to publichouses?—I certainly think so.

5385. Is there anything else which occurs to you to say on the subject?—With regard to prohibiting residing in the premises in which the business is carried on, I think that would be a useful regulation, because where there is a wish to break the law, residence on the premises affords great facilities for doing so, and where the law is broken it makes the detection of the offence very difficult for the police.

5386. Would you insist upon the person who holds the licence not staying under the same roof, or would you merely insist that there should be no internal communication between the house and shop?—Our houses are so differently constructed from what they are in England that a different wording of the law would be required. A man may live in Scotland three stairs up and yet be under the same roof as his business premises, and I think in the circumstances if there was no internal communication it would be sufficient. But I think justices in licensing should even go beyond that and not give a licence unless the party lived out of the way altogether, in order to avoid even the suspicion of communication between shops and houses.

5387. Do you concur with Mr Breingan as to the kind of vessels that should be used, and as to the restrictions of hours?—I do. I think the hours ought to be from 8 to 8 or 9,—much shorter than they are just now. With regard to Saturday, my experience is that making late purchases is merely a matter of habit; there is no good reason for shops being kept open so late.

5388. *Mr M'Lagan*.—Both you and Mr Breingan seem inclined to do away with the lower class of houses; don't you think that could be accomplished by raising the price of the licence?—That might be matter for consideration; I have no doubt it would to a certain extent serve the purpose.

5389. Quite as well as by increasing the rental?—By raising the price of the licence you might still have very inferior premises.

5390. Of course the justices would judge of the suitability of the premises?—The justices have very different ways of judging in different counties, and even in different parts of the same county.

*James Heron ;
Andrew
M Lauchlan ;
F. Campbell ;
Robert Orr.*

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|---|-------------|
| 154. Mr JAMES HERON, Licensed Grocer, Rothesay, | } examined. |
| 155. Mr ANDREW M'LAUCHLAN, Licensed Grocer, Rothesay, | |
| 156. Mr FINDLAY CAMPBELL, Licensed Grocer, Helensburgh. | |
| 157. Mr ROBERT ORR, Licensed Grocer, Largs, | |

5391. *The Chairman*.—I think, Mr Heron, you have prepared a statement which you propose to read to the Commission?—*Mr Heron*.—Yes. [The witness read the following statement]:—‘I was until last November a member for five years previously of the Rothesay town council, and for the last three years of that time burgh treasurer. I am also a member of session of the parish of New Rothesay and session-clerk, and also lieutenant commanding the 1st Bute Artillery Volunteers. I have been in the grocery trade on my own account for twenty-seven years. For the last seventeen years of that period I have been licensed. My business premises are situated in one of the best localities of Rothesay, being on the main road to Battery Place, Craigmores, and Mount Stuart. I do one of the high class trades of the town, and so far as a working class trade is concerned, I do a little. My hours of business are from 8 o'clock in the morning to 9 o'clock in the evening during the summer months, and to 8 o'clock in the evening during the winter months. On

Saturdays, however, always to 11 o'clock. These are the usual hours of business in Rothesay, although some keep open later in the evening, except on Saturdays. We cannot open before 8 o'clock, and could not if we wished keep open after 11 o'clock. The most of the Rothesay licensed grocers do not take advantage of the full hours. There are only a few in the back parts of the town who do. I do not and never have sold drink for consumption on the premises, although I have been sometimes asked for it. When asked it was generally by strangers who apparently had made a mistake. The parties were always males. I have never been asked to sell drink and charge same as groceries, and I have never heard of this being done in Rothesay. So far as I know, it is not done. If it is, it must be a very uncommon practice. My trade is both cash and credit. In summer there are more cash sales and in winter more credit sales. My liquor cash and credit sales would be about equal, taking an average for the year.—’

5392. *Mr Campbell Swinton*.—If you were compelled by the legislature to abandon one or other of the branches of your trade, which would you abandon?—I don't know; that would be a matter for consideration. If I were a younger man than I am, I might perhaps abandon the spirit trade; the grocery trade requires a greater push; the spirit trade is easier carried on.—‘I make no difference on the price of my groceries in consequence of having a grocer's licence, and the liquors are sold at the usual trade prices. I am certain, at least I never heard that groceries were sold cheaper in consequence of having a licence, and I do not think this is done. I sell liquors from the gallon down to the half gill, but the latter quantity very seldom. I sell small quantities of one and two gills often to strangers, who take it with them as a refreshment or for consumption when on the shores or wherever they may be going to partake of their picnic meal.—’

5393. *The Chairman*.—Do you sell these small quantities always in bottle?—Yes.

5394. Do customers ever bring their own bottles?—Yes, as a rule they do. I have seen perhaps on a very rare occasion, when a neighbour has taken ill, that a tea-cup has been sent for a ‘nip’ of brandy or the like of that; but that is a very rare occurrence,—so rare that I could hardly take notice of it.—‘During the summer months there are a great many strangers in Rothesay; and a large number of pleasure parties—factory employers and the like—come to Rothesay for their annual pleasure trips, and these return the same day. I mean by these pleasure parties that a factory or other work close their place of business for the day, and their employers charter sometimes a special steamer, and all go out for a holiday, and return to their work on the following morning.—’

5395. You think that your business is a convenience to such parties?—Yes. They buy their spirits from grocers in preference to publichouses, being under the impression that they get a better article there.—‘A number of the parties also come by the ordinary steamers. My largest trade is, however, in the quart bottle. Of course, to be confined to that entirely would cause a great deal of trouble, and would necessitate our having a larger staff of assistants.—’

5396. But you would not object to be restricted to selling in bottles?—No. I think it would elevate the trade a little, but it would increase the trouble, of course.

5397. *Mr Campbell Swinton*.—What size of bottle?—Any size of bottle.

5398. You would not object even to be restricted to quart bottles?—I would not care, so far as my trade is concerned; but it would not be convenient for the greater part of the trade in Rothesay. In fact, it would almost annihilate the largest half of it.

5399. *The Chairman*.—It would only do for large places like yours?—Yes, in the larger shops.—‘The only objection I have to the quart bottle system is that it is sometimes inconvenient to the customer, and causes the shopkeeper more trouble. We have to bottle and cork the bottles in this case, and we do not

'keep a large stock of bottled whisky. Perhaps we 'make up a half dozen or a dozen bottles just as we 'have time. I have never offered a servant girl any 'drink when making her purchases, but I have frequently given a packet of sweets. This latter practice 'is very common, but the former I never heard of. The 'licensed grocers in Rothesay are, generally speaking, a 'very respectable class of tradesmen. I only know of 'two convictions for breach of licence in Rothesay 'during the time I have been in business, and these 'were obtained against the same person. I observe 'from the papers that it has been stated there were 'four, but I was only aware of two. I have never seen 'nor have I heard of any person going into a licensed 'grocer's shop sober and coming out intoxicated, but 'have known many bad results from excessive 'drinking in publichouses. When bottling beer 'I have sold it in open vessels and sometimes 'in jars. Drunkenness is not caused, in my opinion, 'by grocers' licences, but certainly by publichouse 'licences, where people sit sometimes for a long 'time drinking; and if publicans were put on the same 'footing as ourselves—only to sell over the counter— 'this would, in my opinion, lessen drunkenness very 'much. Rothesay is a town of about 8000 inhabitants. 'This number is about doubled in the summer. 'Generally speaking I think it would not be agreeable 'to respectable females having to go to a publichouse 'for any drink that might be required. There is a 'very prevalent idea that more genuine liquors are 'obtained from licensed grocers, and also better value. 'My own opinion is similar, if the better class of 'publichouses are excepted. Most family grocers keep 'their liquors for a year or two in bond until they are 'matured; and I think it should be made imperative 'that spirits should be kept at least a year before being 'sold either by wholesale or retail dealers.'—

5400. *The Chairman*.—How could it be ascertained that they were fully a year old?—That would be quite simple. The Excise, already having control, should see that they do not leave the distilleries until they are that age.—'There are only two 'licensed grocers in Rothesay whose rents are 'valued say from £40 to £50. The other rents will 'range say from £15 to £35. To restrict licences to 'grocers only whose rents exceed £50 would never do in 'the country or coast towns, because property is not 'rented similar or so high as city property, the traffic so 'great, or the population so large. The population in 'places like Rothesay fluctuates. This is caused by 'summer visitors. If there was to be any restriction at 'all on grocers' licences, the licence should be restricted 'only to those who have learned the business of a 'licensed grocer, and those who have not learned the 'business should not get the licence. The unlearned 'are usually those who make mistakes, not keeping 'within the licence. The hours of publichouses should 'be similar to those of licensed grocers. The number 'of licensed grocers in Rothesay is 19; publichouses, '23; and hotels, 7. I should think there would be 'about 40 licensed and unlicensed grocers in Rothesay.'

5401. Do you, Mr M'Lauchlan, concur in what has been said by Mr Heron?—*Mr M'Lauchlan*.—Yes, generally I do. I may state that my shop is in a different part of the town from Mr Heron's. Mine is in the middle of the town, while his is on the shore. In summer I will have more customers of the artisan or working class, and I think it would be a great hardship to these people if they were prohibited from buying a small quantity of whisky, say a gill or two gills, if they wanted it. While it is the case that a good many families buy in their supplies in bottles, and some in gallons, yet there are a great many of these working people who in the summer season come to Rothesay, it being a first-class watering-place, and my opinion is that it would be a great hardship for them to be prohibited from buying in the best and cheapest markets. Besides, if the sale was restricted to a quart bottle, my own opinion is that that would rather encourage intemperance, because these people would often require in that case to buy more spirits than they actually required.

Then, in the case of foreign spirits, such as brandy, a great many working people would never think of buying more than a gill at a time. They would never think of a pint or a quart bottle of brandy; it would be ridiculous: they could not afford it; and then they would have to go to some place where they would get worse stuff and perhaps adulterated, for there is a good deal of adulteration in brandy.

5402. We have been told that in Glasgow, at least, there is no adulteration of brandy with anything worse than water. Is that not the case with you?—I never get water in brandy. All the brandy that I sell is case brandy, and I get it direct from France. It comes in sealed bottles, and it is not tampered with in any way.

5403. *Mr Campbell Swinton*.—The mixing with water is not an adulteration that would have the effect of doing the customers any harm?—No; but they might require it at a certain strength, while, being mixed with water, it might not have the necessary effect upon them. Then with regard to fine whisky, I don't deal in coarse whisky at all; and that I take to be the great difference between the grocers and the publicans; because fine whisky, if you keep it for a couple of years in bond, is weak, and it would not stand much water, whereas if you get whisky new, it will stand a great deal of water, although it may be pure enough, and nothing but water in it. In that way there would be a great profit from it.

5404. *The Chairman*.—I should not like to buy any whisky that would not stand some water.—A great many people buy it at nearly full strength. Of course, when whisky is sold cheap, perhaps if you were to get an imperial gill for 6d., a great many people do buy that sort of whisky, and it requires to be reduced, because the water is all the profit; but still there is no harm in the water, and it pleases the people well enough. It is quite strong enough for them even when it is reduced, and then the dealers have a profit.

5405. Is there anything else you wish to add?—There has been a good deal said by some gentlemen about removing the casks from the shop and keeping them in a separate place. I think that would not do at all with a great many parties like myself, who have very little accommodation. Mine is but a small shop, and the cellar I have is a good bit away from it, and it would be very difficult to get any accommodation at hand. In fact, my shop is hampered already without having to keep a large stock of bottles in it, as I would require to do if I were restricted to the sending out of whisky and malt liquors in bottles. If we were not allowed to keep it in casks, and to have them in the shop, I think it would be a great hardship, and I don't think the change would do any good to the trade. Then I observe that there has been a good deal of evidence brought before you, especially in Edinburgh, about licensed grocers treating servant girls who come to their shops. I believe that is a practice that is not known in the west of Scotland.

5406. As regards keeping the casks in the shop, of course the things that have been said about evasions of the law do not apply to people conducting a respectable business, but there is abundant evidence that in many grocers' shops throughout Scotland the thing is done. The law is not made for the well-conducted person but for the ill-conducted person, and I put it to you, when you say it would never do not to have the casks in the shop, how, if you have a cask there, are you to prevent a person who desires to give some liquor to be drunk on the premises from pouring it out and handing it over to the person who is to get it?—So far as I am concerned, my assistant has strict orders to give none to be consumed on the premises.

5407. Exactly, but that is no answer to my question. I don't believe you do it; but suppose anybody is inclined to break the law and to give liquor over the counter in a glass, as we know a great many do, so long as the cask is on tap in the shop, is there any security that he won't do it?—He could easily draw the cork of a large bottle, if he was inclined to tamper with the law, and supply the liquor, the same as if he had a cask beside him.

5408. Would it not be a much more difficult thing

Glasgow.

James Heron;
Andrew
M'Lauchlan;
F. Campbell;
Robert Orr.

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Andrew
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to put a cork-screw into a bottle, and draw the cork, than to turn a tap!—There would not be much difference. *Mr Heron*.—To have the casks open in cellars would be too great a temptation in the way of the grocer's servants and assistants. Besides, in most country towns, such cellars to shops are almost unknown.

5409. *Mr Campbell Swinton*.—But a back shop would do as well as a cellar!—The back shop is very often used as a general store, and would not be convenient for holding casks.

5410. *The Chairman*.—What have you got to say, *Mr Campbell*?—*Mr Campbell*.—My trade seems to be similar to that of the gentleman who first spoke (*Mr Heron*). There seem to be grades in the grocery business; and my business is of such a character that I would not suffer much, and I would always be willing that I should sell nothing less than a pint, or say perhaps two gills. The pint is a very awkward bottle. The two gill bottle is a flask, and it is much nicer for a gentleman to put in his pocket. In fact, that is done every day. Besides, two gills is a fair thing, while a pint bottle is a nondescript thing; they are not all of one size. To limit the sale of liquor to quart bottles would, I think, lead to unnecessary consumption, because we all know that liquor does not live so long as other things in ordinary people's houses.

5411. I suppose that, for the rest, you concur with *Mr Heron*?—Yes. I would almost differ from some in our trade who go the length of saying that all the fine whisky is sold by grocers. I don't believe that, and I think it is not fair to say it. I was very glad to see, as you remarked the other day, that whilst the milk was not pure in Glasgow, the whisky was. I think the finest whisky in the three kingdoms is sold by the spirit trade in Glasgow.

5412. What have you to say, *Mr Orr*?—*Mr Orr*.—I am from Largs, which is on the opposite side of the water from Rothesay, and it is a much smaller place. At the last census the population was upwards of 4000,—there being in the burgh about 3000. We have 7 licensed grocers, 10 publichouses, and 4 hotels in Largs. I may mention that our population is very fluctuating, it being a place that a great many people come to in the summer season. In July and August the population will be three times what it is in winter; and in June and September about double. I have prepared no statement to submit to the Commission, but I will be glad to answer any questions that are put to me. I may say that I have been licensed for nearly twenty-six years—from May 1852.

5413. Before you got the licence did you keep a grocer's shop without a licence?—No. I applied for a licence at first when I commenced the grocery business, and I got it.

5414. What was your business before then?—I was brought up as a fisherman.

5415. And then when you got the licence, you commenced a general grocery business, did you?—Yes. I supplied families.

5416. Then you had to learn the trade after getting the licence?—Yes, exactly.

5417. And you did not find it so very difficult?—No, I did not. The business was not perhaps so extensive at first as it is now, but every year we extended it a little. The drawings were considerably better, and it just crept up to what it is now. Of course we were anxious to get on as well as we could with our business.

5418. But you would not have thought of opening a grocer's shop unless you had had a licence with it?—It was upon that condition only that I began the business. There were so many grocers at that time that it would not have been remunerative without the licence.

5419. Have you ever been asked to put spirits down in a pass-book under another name?—Never.

5420. Then for the rest, I suppose you concur in what was said by *Mr Heron*?—Yes. I am quite willing, if it would be any advantage, to have only sealed bottles in the shop, and to have the casks in the back shop; but if they were kept in a cellar, there would be a difficulty in going down to fill a gallon or two gallons of whisky, while the customer was waiting for it.

5421. Of course, the idea of having nothing but sealed bottles in the shop means that your cask shall be somewhere where you cannot go in a moment to bring a supply from it. It means that your bottles must be filled beforehand!—It would be very inconvenient to have the casks in any other place than in the shop.

5422. You mean that that would be inconvenient as your premises are arranged now?—Yes. —*Mr M^r Lauchlan*.—There is one suggestion I should like to make to the Commission. At one time I understand it was the custom of the Excise to enter in the permit the date when the spirits were bonded, as a protection to the buyer, but that, I believe through the influence of the distillers and brewers, was done away with some time ago, and we only get the permit now stating the strength of the spirits, and so many days to be received into stock, but it says nothing about when it was bonded.

5423. You think it would be a good provision, and it would protect the dealer as much as the customer, if the spirits were not allowed out of bond until they were matured?—Yes. At present we allow them to lie in bond; but when they are cleared out, and when we get the permit, there is no date given in the permit as to when the spirits were bonded by the distiller. Now, that, I understand, used to be the case.

5424. *Mr Ferguson*.—And in the event of it becoming law that spirits should be a year old before being sold, it would only be reverting to that old custom, would it not?—Yes. They would require to do that as a protection to the trade.

5425. *The Chairman*.—Would you think, *Mr Campbell*, that one year was enough time, or that it was short enough?—*Mr Campbell*.—I think it would just be short enough. *Mr Orr*.—I think it would be an improvement to the trade to have it not less than one year in bond. *Mr Campbell*.—Those who are engaged in the spirit trade can afford better than those engaged in most other trades to allow their goods to lie for a year and half or two years before being sold.

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| 158. Mr IVIE SCOTT, Licensed Grocer,
Greenock. | } examined. |
| 159. Mr ANDREW TOON, Licensed Grocer,
Port Glasgow. | |
| 160. Mr A. FAIRBAIRN, Licensed Grocer,
Greenock. | |
| 161. Mr HUGH R. NEILL, Licensed
Grocer, Greenock. | |

5426. *The Chairman*.—I believe, *Mr Scott*, you have a statement which you are prepared to read to the Commission?—*Mr Scott*.—Yes. [The witness read the following statement]:—‘I am a licensed grocer, and have been in business for 16 years. I was also in business for 16 years as an unlicensed grocer. My business is pretty much a family trade, and I have little connection with working men. It is almost all credit. During all the time I have been in business, I have never been asked to supply drink to be consumed on the premises, and do not allow it. I have never been asked by any one to enter spirits as goods in their pass-books, nor have I ever received complaints from husbands of this being done. I am of opinion that it would be a good thing to shorten the hours. Say from 8 to 8 o'clock through the week, and 10 on Saturday. I do not think the trades should be separated, because after I had supplied groceries to a person he would require to go to the publichouse for his supply of spirits. Grocers generally sell a better article than the publican. In regard to the quart bottle restriction, I am of opinion that a quart is too large a quantity for a working man to purchase, as it would be more than he would require or afford. The existing law, if carried out, is strict enough. I do not sell much drink in small quantities.’

5427. *Mr Campbell Swinton*.—When you speak of the propriety of restricting the hours of grocers, why

do you think it necessary to keep open so late as 10 o'clock on Saturday night?—At present I shut at 7 during the week, and at 9 on Saturdays.

5428. Why is it necessary to keep open longer on Saturdays than on other nights of the week?—Because there is always a larger business done on Saturdays. Although people get their wages early, they do not come forward for their orders until a late hour in the evening. That is a general rule in all branches of the trade; and if you were to restrict one trade in that way, the others would require to shut earlier as well.

5429. Do all trades keep open till 10 o'clock on Saturday nights?—Not all trades, but many of them do. And some of them keep open later.

5430. Do you mean drapers?—Not drapers; but shoemakers and fleshers and bakers and people who supply provisions are always open till 10 o'clock, and perhaps later. For my own part, as I have said, I shut at 9 o'clock on Saturday night; but I know that a great many in the trade do a great deal of business between 9 and 10 o'clock, and up till 11.

5431. But there is no reason for that except that people have got into the habit of doing it?—It is more habit than anything else, I believe.

5432. They have done their work and got their wages, but they are paid on Saturday long before that hour?—Yes. The only business I do on a Saturday night is perhaps a servant girl coming in with orders from her mistress for some things that have been neglected during the day. That is almost the only business I do after 7 o'clock on the Saturday. My business is principally in the west end of the town. I may say that I was for 16 years a grocer before I had a licence, and it was my customers really who made me apply for it, in consequence of the demand that was made upon me for liquor. They wished to have one account; and I was almost pressed into the licensed business to supply the wants of the public. It was not my own desire.

5433. Suppose the legislature were to see fit to separate the two businesses, and to say that a man is not to be both a grocer and a spirit-dealer, which of the branches would you elect to abandon, and which to keep?—I have not made up my mind on that question yet. It would be a matter for consideration.

5434. But you would think it a great hardship?—I would think it a great hardship to separate them, and it would not be for the public interest. I think it is better for the public to have the thing in the way it is.

5435. But independent of the public, you think it would be a hardship to the trade?—Of course.

5436. *The Chairman*.—What is your class of business, Mr Neill?—*Mr Neill*.—It is also a west end business.

5437. Do you agree with what Mr Scott has said?—Yes. I quite concur with what Mr Scott has said as to the hours. At present my business hours are from eight in the morning till seven at night, and ten on Saturdays. As to restricting the sale to quart bottles, I may say personally that it would not make much difference to my business; but to the trade generally I think it would make a very material difference, because there are plenty of respectable licensed grocers who don't do a west end business like ours, but who sell liquor in small quantities such as gills, half-mutchkins, and pint bottles. I also think it would be an inconvenience to the public in general, who are in the habit of going to licensed grocers' shops to get that quantity, and who do not care to go into the spirit shops for their liquor. As has already been said, many persons may feel that they required a glass or a gill as the case might be, who were not able to purchase more at the time; and if they had to make an effort to get such a large quantity as a quart, it would be an inconvenience to them, and it might lead them to drink more than they otherwise would. I don't think that the introduction of such a restriction would make a difference to me of £5 in the year; and therefore it is in the interest of the general body of the trade and of the public that I would disapprove of it. I also think that licensed grocers and licensed spirit-dealers should

be put on an equality with regard to hours. I think that a great improvement could be effected in that way, by restricting the hours of all who hold a licence. I should say that eleven o'clock is far too late an hour for any of those places to be kept open. I hold that the drunkenness which is sometimes charged against licensed grocers is not due to them at all, because a great amount of drunkenness takes place after the hours when all respectable licensed grocers are closed. I happen to have had experience in both departments of the trade. I have been connected with the trade for about twenty years. For nine years of that time I have been in business on my own account, and for the rest I was connected with the wholesale and retail trade; but before I went into the licensed trade at all, I formed the opinion that the licensed grocer was the proper person to conduct a licensed business, and that the business would be carried on by them in a far more respectable way. I don't mean to say that there are not respectable men who are licensed spirit-merchants, because I hold that there are a good number, and I say also that you get as good spirits in any respectable licensed dealers as you will get in any respectable licensed grocers; but on the whole, you get a better class of spirits from the licensed grocer than you will do from the majority of licensed spirit-merchants. That has been my experience, and these are not suppositions, but facts.

5438. *Mr Ferguson*.—By merchants, do you mean publicans?—Yes.

5439. *The Chairman*.—Then, Mr Toon, what do you say?—*Mr Toon*.—I generally concur with what Mr Scott has said.

5440.—Is your business a family business?—Yes.

5441. We have had so many gentlemen from your branch of the trade that I think we know quite well what are the circumstances of it. Therefore, unless you wish to say anything additional, I think, perhaps, you had better leave it so?—I have nothing additional to say.

5442. Then, Mr Fairbairn, have you anything additional to say?—*Mr Fairbairn*.—No. I would merely concur in what Mr Scott has said. I may say that I am not in the business just now. I have had thirty-six years' experience in business, but I am retired, and I am a commission merchant at present. *Mr Neill*.—There is only one other remark I would make on a subject which I heard brought out before the Commission to-day,—that is about the stock cask. I think that in many cases it would be a great inconvenience, and would in many instances entail upon the trade an increase of rent where they have not accommodation elsewhere, to be obliged to put their casks away from the shop. For instance, a man who holds a licence has not a cellar in connection with his shop; where is that man to put his casks? He cannot get cellar accommodation without paying an extra rent for it.

5443. Of course, the answer that might be made to that is that you have a great privilege over other grocers. Parliament has resolved that the trade should be confined to a limited number of hands according to the discretion of the magistrates, and it is admitted that it is a valuable trade from being so limited. May there, therefore, not be some restriction or conditions attached to it, which no doubt will lead to some expense?—Leaving out of view the inconvenience to the trade, I don't see that it would be any improvement to have the casks taken away. Suppose, for instance, that a man has himself and an assistant to attend to the shop; and that there is a demand upon him for a gallon or two gallons of whisky. He has to leave his shop and go to his cellar to draw it, because he may not have the quantity in the premises except in bottles. There would be an inconvenience there, because he would require to leave his customer in the shop while he went to the cellar to draw the quantity he wanted.

5444. *Mr Ferguson*.—But suppose a man got an order for two gallons of whisky, would it not be worth his trouble to go to another place to get it put in shape? Many a wine merchant would be very glad to take any amount of these orders, would he not?—That would

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GLASGOW. depend entirely on the kind of business he carried on. There are many in a small way of business who probably do not in the course of a year get an order for two gallons of whisky, but I merely throw out the suggestion that I think it would be an inconvenience to the trade in general to compel them to put their casks away out of their premises.

Mr Trotter;	162. Mr TROTTER, Licensed Grocer, Partick.	} examined.
Mr Kennedy;	163. Mr KENNEDY, Licensed Grocer, Partick.	
Mr Anderson;		
Mr Macfarlane;	164. Mr ANDERSON, Licensed Grocer, Govan.	
Mr Redpath;	165. Mr MACFARLANE, Licensed Grocer, Govan.	
Mr M'Adam.	166. Mr REDPATH, Licensed Grocer, Parkhead.	
	167. Mr M'ADAM, Licensed Grocer, Crosshill.	

5445. *The Chairman*.—I think, Mr Trotter, you have a statement which you are prepared to read to the Commission?—*Mr Trotter*.—Yes. Before doing so, I may say that the burgh of Partick and the burgh of Govan are very much the same. They are large centres of population, who work chiefly in the shipbuilding yards. Partick, perhaps, has more of a residential than a working class population; but Govan is, on the whole, composed mainly of the employees in the shipbuilding yards; so that I think the statement I am to read will probably suit most of the gentlemen here. It is as follows:—‘I have been engaged in the grocery business in Edinburgh and Glasgow for twenty-three years in all classes of trade. I have been for sixteen years in business on my own account, and am tenant of two shops—rents £120 and £95—held on leases, the latter for ten years, nearly eight years of which are still to run, the other lease commencing in May last. I may say that my shops have no cellarage connected with them. There has been allusion made frequently, in the course of this Commission, to the propriety of having the casks kept out of the shop. In my case that would entail considerable inconvenience, because I cannot get cellarage except at a considerable distance from the shops; and in the cellar which I have, the work is confined to a porter, who has the general management of it, the bottling, and so on. I may say that the man whom I have at present is very steady, but it is a very rare thing to get porters in that kind of business who are steady.’

5446. Your statement on that point, I presume, amounts to this, that it would be unfair to impose such a condition on the present holders of licences without long notice?—Yes. There is another reason that I have against it: The grocers, I think, are men of principle, and if you have police supervision, such as you have just now, I don't think there is any necessity for such a restriction. It is said that that supervision is not exercised to the full extent; but it is, I hold, owing to the laxity of the police that it is not carried out to the extent that it ought to be. My statement proceeds:—‘The class of trade done by me is a middle-class family trade, combined with a cash trade among the better working classes. I do not permit consumption on the premises, and all my shopmen have instructions to that effect. The number of licensed houses in Partick is 56, 36 of which are publicans, and 20 grocers—being a licence to 487 persons—about the ratio suggested in Sir R. Anstruther's Bill of 1877, which was 1 to 500. In 1871 the number of licences was 44, or about 1 to 400 of the population. If the licences had still been granted at the same rate, the number would have been 67. Though licences have been thus restricted, the number of drunks and incapables, breaches of the peace, and assaults, have increased considerably. This may be accounted for by a large influx of the labouring class induced by the removal of some of the shipbuilding yards further

down the river. Party feeling amongst Orangemen and Catholics also runs high, and a strong incentive to intemperance arises from the system of piecework amongst riveters, hammermen, and holders-on at iron shipbuilding; the extra physical energy expended and overtasked is attempted to be made up by an excessive use of stimulants. At any rate in Partick, the theory which has been put before this Commission that restriction of licences does not materially reduce intemperance, seems to have a practical illustration.

SUGGESTIONS.—(1.) *Mode of Granting Licences*.—That the Government divide the country into licensing districts, and appoint a comptroller over each, for the granting of licences according to suitability of premises, and also, determined by a certain minimum, the number of cubic feet of space to each licensed premises, as proposed by Mr Skinner, town clerk of Edinburgh. No licence to be charged less than £10, if rated at £25 or under; all licences above that rate to be £20, the revenue to be derived from the increase to be applied in payment of the salaries of officials appointed. The advantages of this system are as follows:—The persistent canvassing of justices both in favour of, and against applications, would cease, as also the bad feeling engendered among different sections of the community at election times, both parliamentary and municipal, and the evil averted, which is repeatedly recurring, of licences being granted simply by influence brought to bear on justices who may have little knowledge of the applicant, the premises, or the wants of the community where they may be situated. One defect which has been experienced in Dr Cameron's Act, is members of the licensing committee being allowed to sit in petty quarter sessions, and the other is that in the burgh, three of the licensing committee consists of the magistrates and three of the justices of the peace, the chairman requiring to be a magistrate, and having a casting vote, it is natural to suppose it will be given in favour of the magistrates' decision. (2.) *Hours of Closing*.

—Grocers to be fixed at 8 o'clock to 8 o'clock, except on Saturdays, when they should close at 10 o'clock. Publichouses to be closed at 10 o'clock all the week. This alteration of the hour in the case of publichouses would materially decrease the number of assaults and breaches of the peace, and would effect, on Saturday evenings especially, about as much improvement in proportion as the Forbes M'Kenzie Act did on Sundays. (3.) *Consumption on the Premises*.—A penalty on the first conviction, and forfeiture of licence on the second. Full powers to police to enter. See clause 13, 1862 Act. (4.) *No Restrictions as to Quantity*.—If evils result from the sale of small quantities, the restriction must be equally applicable to the publican. It would be handing over a considerable portion of the grocers' trade, as a monopoly, to them, to the prejudice of the general public, both in the matter of sobriety, convenience, and quality of article supplied. (5.) *New Grocers' Licences*.—All new licences for grocers to be subject to the same qualification for premises as those under the English Licensing Act of 1872, section 47 for publicans. This would prevent the system of rack-renting which has already been extensively applied to publichouses in Glasgow, and would also prove of advantage in fixing the rentals, especially in country districts, should a rental basis be agreed on.

5447. *Mr Campbell Swinton*.—What do the premises consist of for which you pay £120 of rent? What is there besides the front shop?—I may say that Partick, as you are all aware, is a burgh that has sprung rapidly into existence so far as modern buildings are concerned. The premises that I occupy were formerly occupied as dwelling-houses, and the shop has been broken out from the main thoroughfare. All the shops in the immediate vicinity have been broken right through, but in mine there is still a partition at the back. There are houses above the shop.

5448. Do you live above?—No.

5449. You say you have no cellarage connected with these shops: have you not some other back premises con-

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 Mr Trotter;
 Mr Kennedy;
 Mr Anderson;
 Mr Macfarlane;
 Mr Redpath;
 Mr M'Adam.

nected with them where the barrels could stand?—There is cellarage that I had to procure, because I could not conduct my business without it; but it is apart from the shops, and at a considerable distance from them.

5450. What is there behind the shop? Is there no place there where the ordinary casks in constant use could stand?—Not except that portion which I say has not been broken down. There is a partition there.

5451. Is it a separate place from the shops?—Yes. It is not entirely separate, because there is an entrance.

5452. But there would be no difficulty in keeping your casks there?—No; but I don't see the force of the arrangement at all. If you have thorough police supervision, and it is properly carried out, I don't see any hindrance to the casks being kept in the shop.

5453. I am not talking of your own case, but of the trade generally, and of the lower class of shops. Would the absence of a cask with a tap in it not be an additional security against drinking on the premises?—If the suggestion was adhered to of having so many clear cubic feet of space in the premises, and if there was thorough police supervision, I don't think it would be necessary to have any further restriction. With regard to the better class grocers' shops, it is a mistake to suppose that there is any publichouse trade carried on there, or any trade of that kind carried on with a view to profit. The only way in which it is done in the better class shops is, when an acquaintance would come in that the grocer would perhaps give him a glass of whisky, but he would not charge anything for it; but I say that in the lower class premises which I have seen in some towns, such as Leith, Edinburgh, Paisley, and the like, where there is a very small rent, and little back rooms, there is an inducement to carry on a publichouse trade, and from what I have seen in some of these places, as has been repeatedly stated to the Commission, I don't think they could exist unless they did such a trade.

5454. *The Chairman.*—Then you disapprove of these small places being licensed?—Yes, certainly. I cannot say that I disapprove of them entirely, because if a man is doing a legitimate business in a small way, I don't see why he should not be protected as well as one doing a business of a higher class.

5455. But you think they are productive of evil?—Yes, if the law is evaded.

5456. And if the law is evaded at all, it is in that class of houses?—It is in that class of houses that it is evaded with a view to selling at a profit, and taking what is legitimately publicans' business, which they have no right to do.

5457. Then, Mr Kennedy, have you anything to say?—*Mr Kennedy.*—I concur generally in what Mr Trotter has said.

5458. What is your class of business?—A working class business.

5459. Do you sell a good deal in small quantities?—About three-fourths of my trade in spirits consists of selling in gills and two gills.

5460. Would you object to be obliged to sell these small quantities in bottles?—It would be very inconvenient for me to do so. I have no back shop or cellar, except a long distance from the shop, about 50 yards or so.

5461. Do you sometimes sell in open vessels that are brought for the spirits?—No, not at all.

5462. The people bring their bottles?—Yes, all in small bottles.

5463. Mr Anderson, do you agree generally with Mr Trotter?—*Mr Anderson.*—Yes, generally. My trade is entirely in a working class district. I may say that my trade in spirits is nearly all selling under a quart, and it would be a very great hardship both to myself, and I would say to the public, for them to be compelled to buy not less than a quart at a time. There is one thing which has been already ventilated before the Commission in Edinburgh, and which has also been brought out to-day by Sheriff Crichton, that I have a very decided opinion upon,—that is, as to the age of spirits. I hold that it would be a very great improvement if, when

spirits are put in bond, Government would not allow them to be brought out until a reasonable time had elapsed, whereby the evil effects of the new spirits would be entirely done away with. Of course I would leave the time to be decided by the public analyst, who would know what time to fix; and I would also approve of public analysts being appointed by the legislature to go in and inspect the spirits that are sold both by grocers and in publichouses.

5464. They can do so now?—Yes, to a certain extent.

5465. It rests with the local authority to have them doing so now?—If that were looked after sharply, I believe it would prevent a great deal of drunkenness, because I hold that a great deal of it arises from the use of new spirits; and I think it would be well to have it enacted that only spirits that are two or three years old should be sold. In the event, too, of a proper inspection by the analysts, the dealers could not adulterate the spirits unless with water, and that would be a very safe thing. I may state, also, that in Govan there is no grocer that lives on the premises; and hawking spirits is a thing that is unknown. There is no grocer who has a van going outside the burgh; the licensed grocery trade is entirely done within the burgh.

5466. That is a thing that happens more in country districts?—Yes. Then personally I have no objection to a restriction of the hours to say from 8 to 8 on week-days and 10 on Saturdays. I should like to take exception to what Lord Provost Bain said before the Commission the other day,—that he would restrict the hours of publichouses and grocers to 10 o'clock in the morning. I think the grocery trade particularly would be put to great inconvenience by not being allowed to open their premises before 10 o'clock.

5467. I should think it is very unlikely the Commission will recommend that; therefore you need say no more about it.—Then a good deal has been said about the propriety of keeping the casks of whisky away from the shop; but I don't think it would prevent an evasion of the law to compel them to be kept, say in a back shop or down in a cellar. For instance if I had a cellar, and I was compelled by law to keep my casks of whisky there, and only allowed in my sale shop to keep sealed or corked bottles, there would be nothing to prevent me from keeping fifty bottles uncorked in the shop, and I could sell from them as I pleased.

5468. Would there not be this against it, that if the police had a power of entry, as some of you have said you would not object to, and they found open bottles in the shop, that would be an offence?—But they could not go into every corner.

5469. They might take a look round?—They might, but I don't think the putting away of the casks of spirits from the shop would prevent an evasion of the law.

5470. *Mr Campbell Swinton.*—Surely in a well-ordered shop a policeman glancing round would see whether the bottles that were on the shelves were corked or not?—Yes; but there are a great many places in a shop besides the shelves. There are drawers.

5471. *The Chairman.*—There might be a quiet corner?—Yes. I don't think the selling in sealed bottles only would prevent an evasion of the law. *Mr Trotter.*—There is one thing I would like to mention with regard to what Lord Provost Bain said, and that is as to the vested interests of the trade. Lord Provost Bain seems to have a very easy method of getting rid of them by taking away the licences from their present holders, and putting them up to auction. I may say that I first took an interest in this kind of attack on the trade from the first bill that came out, in which there was a clause providing that a licence should lapse on the bankruptcy or death of the holder. Now it is a well-known fact that in the grocery trade a business is not gathered in a day. It is sometimes a matter of one's life-time, and it is a trade that requires the closest attention. The fact is, there is such a variety of customers, and they are so fastidious and difficult to please, that if a man does not give his whole attention

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Mr Trotter; *Mr Kennedy;* *Mr Anderson;* *Mr Macfarlane;* *Mr Redpath;* *Mr M'Adam.*

Mr Macfarlane.—I concur generally in what has been said. I don't propose to go over the same ground again. I may be allowed to make one or two remarks. It has been said that Govan resembles Partick, and so it does very much, only there is a population of about 45,000 in Govan, and only about half that number in Partick. The grocers there are a very respectable class of men, and there have been very few convictions against them. The average rental of grocers' premises in Govan is, I believe, about £50. I would recommend the restriction of the hours, not only as to grocers, but as to all classes of licensed houses, to from 8 to 8 during the week and 10 on Saturdays. I think that would be a great benefit. With regard to publichouses, I would recommend that cooked meats should be sold there for the benefit of those who frequent them, because I know that many men who go there would take food before they took drink, and if they did so, the drink would not harm them very much. That is the case particularly with working men who come hungry out of the yards. They go to these houses and drink when they have got nothing on their stomachs. A great source of the drunkenness which exists arises from the Irish labourers getting their pay, and rushing out of the works, and going to publichouses and drinking beer or whisky, without taking food along with it; whereas if they could get a meal there, their frequenting of such houses, instead of being a curse, would be a benefit to them. That has been my experience in Govan, where I have held a licence for seventeen years. My trade is principally a family trade, although some of it is in connection with the working classes too.

Mr Redpath.—I concur generally in what has been said, particularly about the limitation of the hours. My business is in a working man's locality, in the east end of the municipality. The district of Parkhead is in the same ward of the city, and it is altogether a working locality. The population just now is somewhere about 9000. There are 18 publichouses in the district, and 3 licensed grocers, giving one licence to every 550 individuals, and one grocer's licence to every 3907. I have been in the trade on my own account for fourteen years. We have invariably opened our places of business at 8 o'clock in the morning, and closed them at 8 at night during the week, and at 11 on Saturday. We were generally under the impression that the same police supervision could be exercised over us as over the publicans; consequently we did not try to evade the law by opening our premises at other hours for the sale of other goods than liquor, and it was our own option to close at 8 o'clock at night, which is done summer and winter. My own trade is principally a cash trade, with a very few family books, not over four altogether. There are two very large co-operative stores beside my premises. I sell spirits to the members of both of these societies. After having made their purchases in the stores, they come into my place and purchase their spirits, always in bottles,—never such a thing as an open vessel. I sell porter and ale as well as spirits, but it is all in bottle,—not in draught. These people who deal with the stores prefer coming to my place of business instead of going to the publichouse for their liquor. Their reason for that, I suppose, is because they get a better article.

5472. Then you think the accommodation you give to the public is appreciated and is a convenience to them?—Decidedly so.

Mr M'Adam.—I concur generally in what has been said by the other gentlemen just now.

5473. What class of business do you carry on?—It is entirely a family business. I don't suppose that I will break bulk under a pint once in a day. I think it would be for the benefit of our trade if the hours were made from 8 o'clock in the morning till 7 at night on five days in the week, and 9 o'clock on Saturday, because we have really two days' work to do on the latter day.

5474. I may point out to you, as I have done elsewhere, that the trade are very willing to propose

certain hours which they feel would be for their own convenience, but the question rather for this Commission and for Parliament is, what should be the limit in the interests of the public? and therefore the question that we have generally put is: Should you object to your hours being made those of the publichouses, namely 8 to 11, as at present? You are quite willing to go within that limit, but of course it is hardly the business of Parliament to arrange hours merely for the convenience of the trade?—Certainly not, but I would be quite willing that these hours should be shortened. Then as to the licensing court, I think that our local courts just now are well fitted to know the wants of the localities and the characters of the men who apply for licences; and there is such careful supervision given in the district where my premises are situated that there is scarcely anything I could suggest for the bettering of the trade, unless it was the shortening of the hours.

5475. We find that gentlemen carrying on business like you do not object to any reasonable supervision. You have no desire to facilitate evasions anywhere?—I would rather have any reasonable supervision that could be suggested, because it would rid us of any stigma that might attach to us through others evading the law. I think the control of supplying spirits is much better and safer as at present in a respectable grocer's hands than it would be by compelling working people or the public at large to go to a spirit shop for their supplies.

5476. You think the effect of not allowing the liquor to be sold in small quantities by the grocers would be to drive people to the publichouse?—I have no doubt of it; and I think it would be very wrong, especially in the case of the working classes, who only require a small quantity at a time, to compel them to send their children or their wives to the bar of the publichouse in order to be supplied.

5477. In your district, Mr Redpath, which you tell us is chiefly a working class district, do many women come to you for spirits?—*Mr Redpath.*—Yes.

5478. Have you reason to believe that they sometimes do so without the knowledge of their husbands?—No.

5479. *Mr Campbell Swinton.*—At what time of the day do they come?—They go into grocers' shops at all times of the day. They go in the morning or during the day perhaps for that day's supplies, and they may be going at night for next day's supplies, and so on.

5480. You mean their supplies of groceries?—Yes.

5481. They don't get drink on every occasion?—Not at all. They buy their groceries just as they require them. It is not every time that they come in for grocery goods that they purchase whisky,—far from it.

5482. Do they buy their grocery goods in such very small quantities that they require to come two or three times a day for them?—Some of the poorer class occasionally make two or three purchases a day in some localities, but for the better class of artisans once a day is quite sufficient. For instance, during the summer season, when new potatoes come into the market, they require to send every day for these articles, and they require new bread every day as well. They get it from the grocer too, but it is not necessary that they should buy either spirits or beer or porter every time they send, or even every day.

5483. But sometimes when the women get spirits it is at times when their husbands are at work?—Yes, but the spirits are taken home. Perhaps the husband is coming home for his dinner at 2 o'clock, and there is a gill of spirits taken home because he requires it. We have one of the most extensive forges in Scotland in our locality,—I believe the largest in Scotland,—which supplies the ship-building yards on the Clyde with propellers and other things.

5484. And is it the habit of that class of workers to take a moderate quantity of spirits as a common beverage at meals?—Yes.

5485. Do they use it at their dinner?—Yes.

5486. Pure or with water?—I am not there to see what they do with it.

5487. But you know that they use it at their dinners?—It is taken home at dinner time at any rate.

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| 168. Mr GEORGE OGILVIE, Licensed Grocer,
Glasgow. | } examined. |
| 169. Mr LAWRIE, Licensed Grocer,
Wishaw. | |
| 170. Mr PROVAN, Licensed Grocer,
Wishaw. | |
| 171. Mr FRASER, Licensed Grocer,
Glasgow. | |
| 172. Mr JACKSON, Licensed Grocer,
Glasgow. | |
| 173. Mr KIRKLAND, Licensed Grocer,
Glasgow. | |
| 174. Mr FORBES, Licensed Grocer,
Glasgow. | |
| 175. Mr WEBSTER, Licensed Grocer,
Glasgow. | |

5488. *The Chairman*.—I believe, Mr Ogilvie, you are president of the Glasgow and West of Scotland Grocers' Association?—*Mr Ogilvie*.—I am.

5489. Perhaps being so, it will be convenient that you should make a statement; and then the other gentlemen can concur in it or add anything they think proper.—We have a strong desire to save your time, and after the great amount of evidence that has been led showing the purity of our trade, we think it altogether unnecessary for us to go over the same thing again. Were you simply to ask us the question: Are you guilty or not guilty with regard to the malpractices connected with our trade, we would answer, No. I make the remark in that way so that you may understand that, whilst we do not make speeches, and do not wish to recapitulate the evidence that has already been given, we have no sympathy with, but a strong opposition to, any of the malpractices that have been alleged regarding our trade. You may rest assured that with regard to the witnesses whom we have brought forward, none of them would give any evidence against ourselves, and therefore we need not go over that part of the case again. With regard to the suggestion that liquor should be sold in not less than quart bottles, I have simply to say that we do not sympathise with that proposal, as we have not yet been educated up to see the propriety of it. We hold different views, and until we see some reason to change them, we prefer to adhere to our old method. We think that selling in small quantities is preferable to selling in large. With regard to the hours, I think we are all agreed that from 8 to 8 is a long enough day, and we would be quite agreeable to the hours being shortened to that extent.

5490. You are quite agreeable that your hours should not exceed those of the publichouses?—We have no sympathy with the publichouse hours, so far as the week-day hours are concerned. The respectable grocers pay no attention to that. Then, with regard to grocers' licences, my own opinion is, that if a party applies for a grocer's licence, he should be compelled to have a respectable stock of groceries on his premises. I have no sympathy with grocers' licences being given to spirit-dealers pure and simple.

5491. But you would have no objection, would you, to licences to sell liquor in the same way as grocers do being given to men who did not sell groceries?—I would not call them grocers then. That is my reason for objecting to that. I don't think they add to our credit in any way by holding the licence in that way.

5492. *Mr Campbell Swinton*.—Why do you think that a man who sells spirits alone throws any discredit on your trade? Why is it made more respectable by selling tea and sugar along with the liquor?—I don't wish to throw any odium on a man who is a spirit-dealer. I see no reason why a spirit-dealer should not be as respectable a man as a grocer or any other citizen. I say it is not the man who is to be judged; it is the manner in which he conducts his business.

5493. But you said you very much objected to a man getting a licence unless he was obliged to keep groceries: what is your objection to that?—Simply because, when there are the two trades of grocer and spirit-dealer, a man should be either the one or the

other. Let us be recognised as a trade, and if we are to be grocers, let us have our shops open in a respectable manner, and conduct our business as grocers.

5494. Still, what harm does it do to you, or what harm does it do the trade, that a man selling spirits not to be consumed on the premises should not keep groceries? Is it not rather to your benefit that he does not keep them?—No, because I am afraid a portion of the community might look with a jaundiced eye upon a man who is termed a spirit-dealer, whilst these same parties might say that a grocer was a respectable man. I don't think we should be associated the one with the other in that respect. Let the grocer and wine-merchant be the one, and let the spirit-dealer be entirely and alone the other. However, although I express that opinion, I have no wish to throw odium upon a man who is a publican. I think the one man is just as respectable as the other.

5495. But we are not talking of publicans; we are talking of men who are dealers in spirits not to be consumed on the premises; and I cannot see what your objection to them is.—I would keep them in their own place, and I would give them a spirit licence, and not a grocer's licence.

5496. They would have a spirit licence not to be consumed on the premises. Have you any objection to that?—That is just what we have. Allow me to explain here that you have been led to believe that we have 247 grocers' licences in Glasgow. Now, that is not the case. We have not above 200 licensed grocers in Glasgow, because there are 40 or 50 of those who hold these licences who are truly spirit-dealers, and not grocers at all. They never sell an ounce of tea or anything connected with the grocery trade, and therefore they should not be held as forming part of it. Another thing I would mention is with regard to the keeping of spirits. It has for many years been an idea of my own that I would not allow spirits to be brought out of a bonded store until they should have been at least two years in bond. Some people have advocated one year; I would not be particular as to whether it was one or two; but I have all along held that new spirits were a curse to the country. After they have lain for one or two years, they are comparatively harmless compared to the evil effects that are produced by new spirits. The only other recommendation which I would urge upon the Commission would be the thorough enforcement of the present law. I have all along considered that the police had ample powers of supervision; indeed, I was not aware until now that they had not the power of entering our premises the same as they have with regard to publichouses: and the fact of the many convictions which have been brought in evidence before this Commission proves that I have entertained the correct idea on that matter, because if the police did not have the power to enter our premises how could they have got so many convictions.

5497. *The Chairman*.—The police state that the convictions are few, but that the cases of suspicion are many. They have not power to enter a grocer's shop as they have to enter a publichouse at any time, but only if they have strong cause to believe that the law is being broken.—I would give them full power to enter at any time. I don't think an honest man need fear any number of policemen inspecting his premises at any time; but I would recommend the thorough enforcement of the present law as being suitable and satisfactory for all intents and purposes.

5498. How many members have you in your association?—Nearly 200; but our association embraces Glasgow and the west of Scotland. We found out that there was a small society from which you had representatives yesterday, the Irvine and Halfway, which is quite a new one, but we undertake a sort of responsibility for Glasgow and the west.

5499. But your members are chiefly in Glasgow, I suppose?—Chiefly in Glasgow; and I might say that, so far as my experience goes, we stand in a very different position here from the Edinburgh people. We are in the most friendly relations with the unlicensed grocers; and I can assure you that we have not a single

GLASGOW.

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Mr Ogilvie;
Mr Lawrie;
Mr Provan;
Mr Fraser;
Mr Jackson;
Mr Kirkland;
Mr Forbes;
Mr Webster.

GLASGOW.

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Mr Ogilvie;
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unlicensed grocer who has anything to say, so far as the licensed grocers in Glasgow are concerned, as to outweighing or underselling them. There is nothing of that kind in Glasgow; and the number of licensed grocers here, as I have said, is only about 200, whilst we have from 1200 to 1300 grocers altogether.

5500. *Mr Campbell Swinton.*—The trade seems to be in a different position here from what it is in Edinburgh. The unlicensed grocers have not come and told us here, as they did in Edinburgh, about the licensed grocers underselling them.—No. They have nothing but the best of feelings towards us; and, as Captain M'Call told you the other day, he was quite sure that the licence was not of any use to three-fourths of the trade in Glasgow. It is the fewest number to whom the licence is of use here; the greater number of the trade don't wish it.

5501. Therefore to the majority of the trade it would be no very great hardship if the legislature were to separate the trades, and say that the grocer should not sell spirits at all?—It would be a very great hardship, because we have laboured for a great many years to build up our business; and in the case of those who do a large family trade, people often come from a very great distance to them. Some of them have one and two and three vans which they send throughout the city, and often many miles out into the country.

5502. But that is not for spirits only, but for groceries?—It is for family orders; and we cannot, probably for want of proper education, see any good reason why the trade should be divided. We conduct it honourably and respectably; and we repel any allegations made against us that we either treat or tempt any man who comes into our shops.

5503. *The Chairman.*—We don't say at all that there is any such separation required in the case of people who are conducting an honourable trade; but then how do you meet the case which has been made before this Commission to a large extent, that there are large numbers of licensed grocers in various parts of the country who are breaking their certificates very frequently? Supposing that to be so, how do you meet that case?—If you will allow me, I will answer it in the same way as I did when I was a representative of the trade in opposition to Sir Robert Anstruther's bill. Mr Grieve, M.P. for Greenock, asked me the same question, and said he had, when in the justice of peace court, seen with his own eyes an entry in a grocer's book where spirits were given and marked as goods. I asked him what he did with it. He said he scored it out, and would not allow the party to pay. I said, 'What then?' He said, 'Oh, we have no power to do more.' I said, 'The man's licence is out at the end of the year, and when he came before you for a renewal of the licence, you ought to have told him that he was a disgrace to the respectable portion of the trade, and that if such a thing ever happened again you would withdraw his licence. You have full power to do that.' I hold that if there are disreputable parties in the trade who conduct their business not according to their certificates, they ought to be warned that if such a thing is to be persisted in their licence would be withdrawn; and if they required a second time to come before the justices or the magistrates, I would have no hesitation in saying to the magistrates, 'exercise your full powers.'

5504. Then your answer to my question is that where cases of serious evasion of the law and irregularities were discovered, you would make an example of the parties?—I would warn them, and if they were brought up a second time, I would allow the magistrates to exercise their powers.

5505. *Mr Campbell Swinton.*—Do you think that would be sufficient to get rid of all the disreputable members of the trade and to make it a pure and respectable one?—I have no doubt of it.

5506. *The Chairman.*—Would you approve of a qualification as to the value of the premises?—I think the larger the premises the better. That is one thing I intended to mention, that with regard to all the small dealers I would be agreeable that the magistrates should say: 'We disapprove of your small premises, and would much prefer to see you in another street, with a large, open, airy shop rather than the small place you have. We will give you the privilege of looking out now for the next letting time to take a much more respectable place than we consider you have at present, and we will facilitate you by giving you a transfer from the old to the new.' I think that would be a preferable way of getting rid of the small ones. I certainly would never take a licence from a respectable person, either a man or a woman, without giving them an opportunity of improving their position.

5507. But you recognise that it is a trade that ought to be in responsible hands?—Certainly.

5508. Is there any gentlemen who would like to add anything to what Mr Ogilvie has said?—*Mr Forbes.*—I don't think it necessary to take up the time of the Commission with any further remarks. We concur generally in what has been said by Mr Ogilvie, and it would only be a waste of time to go over the matter again.

5509. *Mr Campbell Swinton.*—Allow me to ask [you one question, Mr Forbes: If the legislature were to think it right to separate the two trades on grounds of public policy, which of them would you stand by?—I think in most cases we would not be able to stand by any of them; that is my opinion. It takes both of them to make a profitable trade to the licensed grocer at present.

5510. How is that consistent with the evidence we have just heard from Mr Ogilvie, that the unlicensed grocers are much more numerous than the licensed?—Because they have established their businesses, and the unlicensed grocers have confined themselves entirely to one branch of the trade; but take myself, for instance, I have given my whole attention to the combined trade, and I cannot say, if I were to split it into two to-morrow, where my customers would go.

5511. I don't suppose the legislature would ever come down upon you to-morrow with any such thing; they would give you a certain time. Supposing that it were resolved that, say five years hence, the two trades were to be separated, which of them would you keep?—I don't know that possibly five years hence I would feel the matter much, as I am getting an old man now, but I think it would be a very unfair thing to do, because any one who has gone into the united trade has got his stock and his premises and appliances arranged on that footing, and any prospective change in the trade would quite paralyse us.

5512. In short, you would think any such proposal almost an intolerable grievance?—Yes; in fact it would perfectly extinguish the most of us. I must confess that I would have great difficulty in choosing betwixt the two; and if I required to carry them both on in separate premises, I would do it with the same difficulty, because there would be additional expenses, and the profits would not meet them.

[The other witnesses were held as concurring with Mr Ogilvie.]

Adjourned.

GLASGOW, WEDNESDAY, 24TH OCTOBER 1877.

*Present :—*Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSON.

Sir JAMES FERGUSSON, in the Chair.

176. Provost KING, Rutherglen, examined.

5513. *The Chairman.*—How long have you been Provost?—For one year. I have been in the council for four years, and I was a bailie for one year before being elected provost.

5514. What is your business?—A power-loom cloth manufacturer.

5515. What is the number of licensed grocers in your burgh?—We have 50 licensed houses in the burgh; of these 35 are publichouses, and 15 are licensed grocers. The population is about 12,000, so that there is 1 licensed grocer to every 800 inhabitants, 1 publichouse to every 343, and a licensed house to every 240.

5516. What was the number five years ago or thereabout?—The number five years ago would be much about the same.

5517. What was the population then?—The population would be about 10,000. I think that was about the number at the last census six years ago.

5518. Are the magistrates keeping down the number of licensed houses as far as they can?—Yes, they are refusing almost every application until once the number be reduced to what they think a proper number.

5519. What would be a proper number in their judgment?—We think just now that there are a great deal too many licensed houses for the population.

5520. Are you reducing the grocers' licences as well as the publichouses?—Yes; we are reducing the grocers too.

5521. At present, are the majority of the grocers who are licensed the larger grocers?—No, not the majority.

5522. Do some grocers whom you would consider trustworthy apply for licences and are refused them?—No. There were two who applied when I was a bailie, and they were both refused; but these two have both been granted since that time. There have been none applying since I became provost.

5523. But are there grocers in Rutherglen in a superior way of business who have not got licences?—Yes.

5524. Do you consider that the grocers are strengthened in their ordinary business by possessing the licence?—I think so.

5525. Do you think that is the view of the grocers themselves?—I think so. I think they sometimes do more grocery business through supplying ardent spirits along with their groceries.

5526. When a grocer applies for a licence, when you know that it will be for his benefit in his ordinary business to get it, is there not some difficulty in refusing him?—No, I have never had any difficulty in refusing him. My opinion has always been against the grocers' licence.

5527. Will you tell us why you are against the grocers' licence on principle?—I have never had any case officially before me against a grocer; still I know from what I have heard long before I was connected with municipal matters that grocers were in the habit of supplying drink to people who came about their shops, and I know that at that time it had an injurious tendency. I don't think there is so much of that now as there was at one time. I think the work people generally have improved very much; still I think it has a bad tendency to grant licences to grocers to sell ardent spirits.

5528. You think it is a dangerous thing to mix up the trades?—I think so. I for one would be against mixing them.

5529. Is there a common impression to that effect that the mixing of the two trades encourages drinking?—Certainly there is; that is my opinion.

5530. What remedy would you apply to the evil which you have mentioned? Would you like, if you could, to see the grocers' licences taken away altogether?—I would like to see the grocers' licences taken away altogether. I think if the grocers' licence was done away with, the publichouses would confine themselves to a family trade,—that is, a trade selling not to be consumed on the premises; but if you continue the grocer's licence, I certainly would restrict him to sell in quantities of not less than a pint bottle, sealed, and also subject to police supervision the same as the publichouses.

5531. Taking first of all your plan of total abolition; would you think it a desirable thing to separate the provision and liquor trades; or to have a class of houses licensed to sell liquor not to be consumed on the premises where no provisions were sold?—Yes; I think that would be preferable.

5532. Supposing, again, that the grocers' licences are continued, but that such a remedy as you propose were applied to them, it has been objected, chiefly by the trade, that the wants of their customers are for smaller quantities than a pint—that a great many working men have occasion for small quantities of liquor, and we were told by one witness yesterday that in some trades where the work is hard—like that of engineers—they like to have some spirits to their dinner, and they get that in small quantities like a gill or half a gill. Do you think that that is such a real want that it ought to be recognised?—I don't think there is any such want. I am not a teetotaler, and I don't believe in total abstinence; but speaking from a very long experience of, and acquaintanceship with, the working classes, I don't think there is any such want as that you have now mentioned.

5533. Is it your opinion that small supplies of liquor just means tipping?—I think so. I think it is never got for the purpose of being taken along with a meal.

5534. You employ a number of workmen yourself?—Yes.

5535. About how many?—About sixty men; but our workers are mostly females, powerloom weavers.

5536. Then you would say that the use of spirits at meals by respectable working men was anything but the rule?—It is anything but the rule.

5537. Perhaps you would mention how many women you employ?—About 250.

5538. Have you reliable information of cases of working men's wives getting drink from the grocers without the knowledge of their husbands?—No.

5539. Have you had any cases in Rutherglen of actions in the Small Debt Court for the recovery of grocers' bills in which there were items for spirits?—No; we don't have that in Rutherglen. These cases are taken to Glasgow.

5540. Is there anything that occurs to you to add to what you have said?—I have seen a suggestion made by some parties as to the propriety of increasing the licence duty, and to make it according to the rental of the premises. I thought at first that that might be beneficial, but I think it would give encouragement to low rented places, and perhaps it would discourage more respectable parties entering the trade if the licence duty were raised and made according to the rental. There are many of the low rented premises which do perhaps as large a business as a high rented place would do, and in order to reach them I think it might be

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GLASGOW. advisable to impose a small duty on the retailer on each gallon of spirits, and that that duty should go for municipal purposes.

Provost King.

5541. Would you say that no house should get a licence below a certain amount of rent?—No, I would not say that. It would be difficult to fix what the rental should be. A rental might be fixed for Glasgow which would be quite unsuitable in suburban places.

5542. But supposing the scale was proportionate to the size of the place, what would be a fair limit in your burgh?—I think £30.

5543. Would you approve of such a limit there?—Yes.

5544. Then if there were some means of fixing the rental according to the circumstances of the place, you would approve of that proposal?—I would approve of it, and I think in addition to that that there ought to be a duty on the quantity sold.

5545. Why do you think that such a duty would be fairly given in relief of the rates?—There is a good deal of expense caused to places on account of the liquor traffic; it has to be looked after, and the number of crimes that directly arise from the use of drink justifies, I think, the imposition of some duty upon the consumpt to pay this expense.

5546. Your police force has to be larger in consequence of the duties thrown upon them in connection with the liquor traffic?—Undoubtedly.

5547. *Sheriff Crichton*.—Did I understand you aright to say that your opinion with regard to the bad effects of the grocers' licences was founded upon what you had heard from others rather than upon your own observation as a magistrate or as an individual?—Yes.

5548. But what you had heard from others was sufficient to enable you to form the opinion you have now expressed?—Yes; I believe it is correct.

5549. There was a general concurrence of testimony, so far as you could learn, against the grocers' licence?—Yes.

pany. I cannot give the actual numbers, but I am certain there were over 1000 shareholders in that investment company, and I believe I am safe in saying that two-thirds of them were working men, some of them having 4, 6, 8, and 10 shares of £25 each, payable by weekly and monthly instalments. I know also of individual cases of men working in Glasgow and elsewhere, who during recent years have been saving on an average about £1 per week and banking it. I hold one or two of their banking accounts myself, and therefore can speak confidently to this matter. Some of the men working in the country have entrusted me with their bank books, and they remit the money to me to be paid to their accounts.

5557. Are you able to say that there is a very wide spread habit among tradesmen to lay by money now-a-days?—There is, and I believe the habit is increasing. Within my own experience it has increased greatly within the last twelve or fifteen years.

5558. So that against accusations, probably many of them true, of a great amount of waste among working men, especially in spirit drinking, there is to be set a great amount of saving habits?—Yes, I am quite confident of that, and the increase in the spirit drinking among what may be termed the respectable and more skilled portion of working men is, I believe, very small. It is generally the case that the men who have acquired that habit are not respected either by their fellow-workmen or by their employers.

5559. Speaking on behalf of a large body of tradesmen, you would say that their public opinion was distinctly against drinking habits?—Decidedly, it is against it. I may say that in our own association we have members who have to a certain extent given way to drinking habits, and while they may be able enough men otherwise, they never attain to any position in the association as branch office-bearers, or acquire any leading position in their district. I recollect that when in Edinburgh the executive committee, that is the governing body that meets along with myself twice a week to transact the general business of the association, the majority of them were teetotallers.

5560. Would you say that your members were as a rule of the higher class of artisans, or could any number of them be placed merely among what are called working men?—They are all working men; but we consider ourselves, and I think rightly, to be about the most respectable of the working class, at least among the building trades.

5561. Your members are what may be called superior artisans?—Just so. We are not the highest paid; but I think we are the second highest paid class of men in the building trade.

5562. One difficulty which such a Commission as ours has to encounter is in getting at what may be called the opinion of the working class. It is very difficult for us to get reliable information from what after all is the great majority of the community, and I would like to ask you to tell us what you believe to be the opinion of your body on the subject of our inquiry,—that is to say, the effect of the numerous licences held by grocers?—I may say, in answer to your question, that I would not attempt to represent what the opinion of our association is upon that matter, for this reason, that we do not as a rule discuss any social subjects, and if I were to attempt to say that such and such an opinion, although, perhaps, I might have grounds for it, was the opinion of the majority of our members, it would in all probability introduce a bone of discord into our association. And while I hold pretty strong views upon the liquor traffic myself, I would not for a moment wish to make you believe that in stating these views, I represent the views of even the majority of our members.

5563. With that reservation, perhaps you will tell us what your own opinion is?—My own opinion of the grocer's licence is, that it is very liable to abuse. I have seen a good many abuses in connection with it, particularly in Edinburgh.

5564. Perhaps you would give us some illustrations of that?—I am quite willing to give the Commission the names, but I would not wish them to be publicly

Wm. Paterson.

177. MR WILLIAM PATERSON, examined.

5550. *The Chairman*.—You are secretary to the joiners' association?—Yes. Our head-quarters are at Glasgow; but the operations of our society extend over the country. We have altogether about 105 branches throughout the country. There are 97 of these branches in Scotland, and 7 in England.

5551. Is yours a friendly society?—It is a trade society.

5552. Is it a registered society?—It is not registered; but we have friendly objects, such as sick, funeral, and superannuation benefits.

5553. We have asked you to come here in consequence of your name having been specially mentioned as one who could speak to the amount of saving among the working classes as evidenced by such societies as yours. If you can tell us anything on that point, it would be useful?—The savings represented by the reserve funds of our society are, I believe, no criterion of the actual savings of the working classes; because what we receive is merely a weekly payment that our members make, and the reserve fund of the association is merely what is over after paying our legitimate expenditure.

5554. The payment to your association is rather for a special purpose than by way of savings bank?—Yes, it is entirely for special purposes.

5555. How many members have you?—According to the last annual report there were 8658 members.

5556. With reference to the funds of your own association, are you in a position to speak to the habit that has grown up among your members of using other societies for deposit?—I have a good deal of experience with regard to that. It is only about two years since I came to Glasgow; I was in Edinburgh for six years previous to that, and during that time I was a director in a building company, and also in an investment com-

stated. There was one shop that I had occasion to pass daily, and I knew the grocer intimately. It was in a new locality, and after he had been opened for a short time he applied for a licence, and it was granted to him. No action was taken in the district to prevent it from being granted, but immediately the licence was granted, the glass in the shop doors was obscured half way up.

5565. In what way was that done?—With a sort of paint put upon the glass, and I think the word 'spirits,' or something of that kind, put into the panel. I am not certain how it was done, but it was obscured anyhow, and then a woollen or cotton screen was put up inside the window, which drew aside upon an iron or brass rod. When passing the shop, I frequently saw people in there drinking. I have seen them in the act of drinking. I am quite willing, as I have said, to give the place and the name of the holder of the licence, and also to give the names of parties who have frequently seen the same thing going on.

5566. But how were you able to see the parties drinking inside if the screen was there?—By the screen being drawn. If the parties went into the shop and the screen being left partially or wholly open, you could see right into the shop to where they were standing at the counter.

5567. But then the police could have seen that too?—Quite easily. If a policeman had been standing where I was, he could have seen it without any difficulty.

5568. And that you saw commonly?—I saw it frequently. There was no publichouse near the place—I believe the nearest one was 150 yards away. At that time there were some buildings going on near that shop, and I have frequently seen the bricklayers and masons and other workmen going there to get drink. There was another shop in that locality that had a reputation of a similar kind. I never saw drinking going on there, but I understood from others that it was going on in the same way.

5569. Have you seen anything of that sort in Glasgow?—I never have; but my experience has not been nearly so extended in Glasgow as in Edinburgh. I have not had so long a residence here.

5570. Have you reason to know of any mischief done to working men's families by their wives getting spirits at the grocer's?—I cannot say that that has happened through spirits being got at the grocer's. I know that a great deal of mischief has been done, but I have never made inquiry, and never got information as to where the liquor was obtained. I could not say that it was obtained either in the publichouse or at the grocer's, but I have known of a great many working men having had to break up their houses on account of the drinking habits acquired by their wives.

5571. Do you think it an advantage or otherwise that working men should be able to get beer or spirits at the same shop where they get provisions?—I believe the disadvantages are much greater than the advantages.

5572. You think if they have a legitimate need for drink, they can get it elsewhere?—Quite easily.

5573. It has been represented to us that in some trades where the men have to do hard work, they require, or think they require, a small quantity of spirits for their dinner, and therefore that it is desirable that they should be able to get these spirits without sending their wives to the publichouse for them—do you think there is any truth in that?—I don't think so. My own experience is entirely the opposite—that cases of that kind are certainly the exception. I have never known any of them myself. When I was employed as a journeyman joiner, I never worked beside any men who considered that they required any spirits at their meals, or who used them.

5574. Is there a habit growing up amongst the working men of Scotland of getting wholesome beer to their dinners?—I believe that habit is increasing, but I don't think to any great extent. In the locality where I live, I have seen a great deal of the people going for beer with jugs on the Saturday night, but I

could not say whether these were what you might call respectable working men's wives or not. I have seen a good deal of that kind of thing in the north-western district of Glasgow.

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5575. But so far as your own observation goes, it is not the custom?—No.

5576. *Mr Campbell Swinton.*—With regard to those men who went into the grocer's shop for the purpose, as you thought, of getting drink, why do you think they preferred going to the grocer's instead of going to the publichouse, seeing it was within 150 yards of the place?—The principal reason, I suppose, was because it was much nearer hand. The grocer's shop was not more than 50 yards from the place where they were working. They were working in a sort of back street, and the shop was in the front street.

5577. Is that the only reason you can suggest?—Yes.

5578. *Mr Ferguson.*—Was the time when the men went into the grocer's shop at other hours than those during which the publichouse was open? I mean, was it before eight o'clock in the morning?—I never saw them go in before eight o'clock, or after the usual hours.

5579. *The Chairman.*—Are you a total abstainer yourself?—Yes, and I have been so all my life.

178. Dr BARRAS, Govan.

179. Dr TAYLOR, Port-Glasgow, } examined.

Dr Barras;
Dr Taylor.

5580. *The Chairman.*—You have a statement, Dr Barras, which you are prepared to read?—*Dr Barras.*—

Yes. [The witness read the following statement] :—I 'have been seventeen years in practice as a medical man, and my patients are chiefly of the working class. I am of opinion that licensed grocers are the legitimate parties to be intrusted with the sale of alcoholic liquor. When prescribing liquor for patients I invariably recommend them to purchase from the licensed grocer. I think that the publican's licence is the more hurtful to working men, their wives or families, than the licensed grocer's. I do not know of any cases where a grocer supplied spirits and marked groceries in pass-book instead, and I never heard any complaints from working people against grocers' licences. It is my opinion that the trades should not be separated. They are best united. While I have no objection personally to the quart bottle restriction on licensed grocers, still I think that this quantity is beyond the reach of many who require it medicinally.'

5581. Do you, Dr Taylor, concur so far in what has been said?—*Dr Taylor.*—Generally I do.

5582. Perhaps you would prefer to make a statement in your own way?—No. I concur generally in all that has been said, except that I would hardly make the statement which Dr Barras has done as to publichouses being more hurtful than grocers' shops. I would hardly go that length. Then as to the quart bottle restriction, I really do have an objection to that. I think it is a considerable hardship to compel a poor man to buy a quart of whisky when he does not want so much.

5583. Of course he could buy a smaller quantity at the publichouse?—Yes, but very often he does not wish to go to the publichouse for it.

5584. But for the rest you concur in what Dr Barras has said?—Yes.

5585. There is one question I would put to Dr Barras: Why do you invariably recommend your patients to purchase their liquor from the licensed grocer?—*Dr Barras.*—Because, in the first place, many of them deal with licensed grocers for other things; and, in the next place, I think that as a rule they get things fully better there than in publichouses, and many of them have an objection to go to a publichouse.

5586. But you think the article is fully better as sold by the grocers?—That is my experience.

5587. How is it better?—I think that as a rule the grocers are more careful in what they give out; and,

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moreover, when I do recommend people to go to any of these places, I tell them to mention that it is for medicinal purposes, and therefore the parties who give the liquor are more careful than they would otherwise be.

5588. But I should like to know in what respect the whisky of the grocer is generally better than that sold in the publichouses?—I think it is longer kept, and I think the grocers take more care generally with regard to the liquors that they sell.

5589. Then if Parliament were to require for the public health that no spirits should be sold until they had been kept for a certain time, one part of your reason for preferring the grocer's establishment to the publichouse would be removed?—Certainly; and I think it very desirable that spirits should be kept for a considerable time before being used, because my experience is that new whisky is very deleterious. Many persons who get that new whisky are excited and maddened by it in such a way as would not be the case if the whisky were old and more matured.

5590. What is the unwholesome element in new spirits as compared with aged spirits?—There is more alcohol to begin with, and then there is generally some little fusel oil in it. You cannot get quit of that very well in new whisky.

5591. What is the insanitary effect of new spirit and of fusel oil?—In the first place, the fusel oil is a sort of poison which the nervous system, and the brain especially, absorbs very readily, and it is some little time before it gets quit of it. During the time that persons are under the influence of that poison their brain is upset, which would not occur if the spirit was deprived of the fusel oil. Then there is much more alcohol present in new whisky than in old.

5592. You go so far as to call fusel oil poison?—I do.

5593. *Sheriff Crichton*.—Is it rapidly absorbed?—It is. It is absorbed just along with the spirit, so to speak.

5594. *The Chairman*.—I suppose the indisposition of respectable people to go to the publichouse, and your indisposition to send them there, arises from the construction of the house,—that there is no private entrance, but that they have to go in to the drinking bar connected with the publichouse. Is that so?—Yes. There are often what are called family entrances connected with a publichouse, but they are really the same entrance as that which leads to the drinking bar. It makes very little difference whether you go in at the one door or the other; you meet at the same place.

5595. Supposing there were houses for the sale of spirits not to be consumed on the premises, and without groceries, you would not think that these houses were less respectable than licensed grocers'?—By no means. We have two such places in Govan which are very well conducted. In fact, it is uncommon to see people in them. People seem rather to go either to the grocer or the publichouse, but these houses seem to do a very quiet business, and they are highly respectable.

5596. You say there is a certain advantage in the liquor being got at the same shop as the provisions,—that being, I suppose, the advantage of convenience?—Partly that, and partly because it keeps the people from going into another shop, when perhaps they don't care about dividing their interest.

5597. Is there not a certain amount of disadvantage in people who have to go to the grocer's shop for their ordinary business, finding the liquor so convenient that they might be tempted to buy it?—I don't think so. That has never been my experience. I am of opinion that in all licensed houses the drink should not be sold to be consumed on the premises, and that is the reason why I go in specially for grocers holding licences. If there were grocers holding licences where they only sold liquor without groceries, I think it ought to be taken out of the shop, the same as a loaf of bread or a pound of tea, and consumed at home.

5598. You do not think there is any positive mischief likely to arise to any class from the habit of having spirits to be consumed in the house?—I don't think

so, because those who will go to the whisky-shop and drink there are not teetotallers at home.

5599. But then you say there is an indisposition on the part of many people with whom you are acquainted to go to the publichouse?—Yes.

5600. Do you not think that giving facilities to obtain liquor is an encouragement to use liquor?—I don't think so.

5601. *Mr Campbell Swinton*.—Do you think that drinking habits among women of the working class are increasing?—I cannot say that that is my experience. I know that there is a deal of quiet tea-drinking where there is perhaps a little whisky going, but my experience is that it is not on the increase.

5602. But at that kind of tea-drinking are there spirits taken to excess?—They are not taken to excess, so far as I can see, whether they are taken along with the tea or without it. If that practice was indulged in to excess, we would see the result of it, but my experience is that it is not increasing among women at all. My own opinion is that if women were better conducted, or rather if they kept their homes a good deal more comfortable than they do, there would be less inducements to their husbands to go to the publichouse, where at present many of them are really driven; because I hold if a man cannot get comfort at home, he will seek for it elsewhere, and I consider that has a great deal to do with the drinking habits of our working people.

5603. Did I understand you to say that you would have no publichouses at all, but that all the consumption of spirits should be carried on, not on the premises?—Yes, except in the case of restaurants and hotels where food could be provided. My opinion is that the sale of liquor should be placed on the same footing as the sale of any other article to be consumed at home, and that is why I said that in my opinion grocers are the legitimate parties to be entrusted with the sale of alcoholic liquors.

5604. What distinction do you draw, except in the more humble character of the persons who patronize them, between restaurants and hotels and publichouses?—In the first place, in Govan, where there is a large population of about 40,000 or 43,000 people, it is a very difficult thing to get a bit of dinner in any licensed house. You can get plenty of drink, but that is not what a man wants, for if he gets his beef steak or chop he can have his glass of wine or whisky along with it, and he is none the worse for it.

5605. But in publichouses they don't give food in that way?—They don't give food except in restaurants, and I don't think there are any in Govan, at least to my knowledge there are only two, and I question very much if you could get food there when you require it. It might be prepared for you if you gave them the order perhaps an hour or two before.

5606. Then a man going into a publichouse would not only find no food ready for him, but he would have to take drink alone?—That is so.

5607. Have you often yet occasion to prescribe spirits as a medicine?—Frequently.

5608. Is that view of medical practice increasing or diminishing?—It is diminishing to a very great extent. I at all times try to inculcate upon the people that if they were drinking more milk and less beer it would be much better for them, but at times it is absolutely necessary, where you have great prostration, to order spirits, and many people are not able to get more than a small quantity. I believe it is only prescribed by the medical profession when it is absolutely required, for I think that as a rule the profession see the evils of drink almost more than any other members of society.

5609. But medical practice has varied in that respect considerably at different times?—Well, it is always varying.

5610. *The Chairman*.—Perhaps, Dr Taylor, you would mention if there is anything on which you differ from Dr Barras, or if there is anything you would like to add?—*Dr Taylor*.—There are a few points, I dare say, on which I might add to his evidence. In the first place, I cannot too strongly agree with him that the principal reform to be effected in the drink traffic is to

raise the quality of the drink ; and I think that no whisky ought to be allowed out of bond until it is two years old. I think two years is the minimum ; I would rather say three, but there seems to be a concurrence of testimony that whisky is generally matured at two years of age. Then I quite agree with Dr Barras that the drinking of raw unmatured spirits by the working class is, in a great measure, an evil to be complained of. I have observed, and in fact no one can help being struck by it, the difference there is in the way in which liquor affects working people as a class, and the classes above them. You see a man coming out of a publichouse like a raving maniac after having taken probably a quantity of whisky such as would not have turned another man's head. I ascribe that entirely to the fact that such persons have acquired an appetite for a bad class of whisky, and they must be forcibly prevented from getting it.

5611. I suppose, also, that when you say there is a difference in the effect upon the working and the upper classes, that is to be accounted for partly by this, that the upper classes have, as a rule, been taking liquor in conjunction with or after food ?—Yes, and taking a better quality of liquor altogether. Then in regard to the manner in which licences ought to be granted, I don't quite agree with Dr Barras as to the propriety of abolishing publichouses altogether and having no drink to be consumed on the premises. I think that things have struck a pretty fair medium with us at present, so far as that is concerned. The great thing, I think, is to be very careful, in granting licences to grocers, to see that they are granted to men of respectability who are actually engaged at the time in a large grocery business. If that were the case then the grocer would have no interest whatever in evading the law. All that I know about drinking on the premises is that it is confined to a few private friends of the grocer, and that it does very little harm to the community.

5612. Have you observed the practice of grocers' shops, especially those which have their custom among the working classes, sufficiently to be able to say that they don't allow drinking over the counter ?—I am quite certain they do not ; at least, I have never seen it.

5613. Then, have you any knowledge one way or the other as to whether they facilitate women getting liquor when they come to make their other purchases ?—What I can say about that amounts to something like this,—that I am in the habit of going into workmen's houses constantly at all hours and times of the day, and I do not see any drinking going on amongst the women. My opinion of the average working man's wife is a very high one. Of course there are instances where they are very drunken indeed, and a perfect pest to their husbands and families, but as a rule I find them remarkably sober people. I have been thirteen years in practice both amongst agricultural labourers and labourers in towns and workmen of all kinds, and I have not seen any evidences of that kind of female drinking which has been alleged.

5614. On the other hand, with the undoubted opportunities of observation which you have had, do you think it is the habit of working men to use spirits with their dinners ?—I don't think it is to any great extent. I sometimes drop in at their dinners and find them drinking beer. I have occasionally seen a small flask bottle of whisky on the table, but that is uncommon.

5615. Then if the grocer's licence and the right to sell liquor in small quantities is founded on the statement that it is the habit of working men to require a small quantity of spirits with their dinners, you would say that that was an over-statement ?—So far as my experience goes it is, because I don't see it on their tables when they are taking their food.

5616. May I ask Dr Barras the same question : Whether he has seen that as a habit ?—*Dr Barras.*—No, I have not seen that as a habit among working men. I have perhaps seen them have a glass of beer or a glass of porter when they were at their dinner, but as a rule if they do drink whisky it is out of doors.

5617. Do you wish to add anything else, Dr Taylor ?—*Dr Taylor.*—Another objection that I should have to taking away the grocer's licence is that it would affect very materially the interests of a class above the working class. People having incomes varying from about £80 to £150 a year cannot keep a wine-cellar, and they don't care to go to a publichouse for their liquor, except it be one of those publichouses which conducts what is called an outside family trade, therefore they generally get their half gallon of whisky or their two or three bottles of wine from the grocer.

5618. That practice has been induced by the fact of the spirit licence being united with the grocery trade ; but supposing it was not so united, and that it was given distinctly separate from any other trade, that want would be met, would it not ?—It would be met if there were another kind of licence issued giving a man a right merely of dealing in wines and spirits and to send them out of his place.

5619. That is to send them out, and not to be consumed on the premises ?—Yes.

5620. It is merely the accident of this union of the two trades, which is artificial, that leads to the convenience of parties supplying themselves with their wines and spirits from the grocer ?—Yes, but these people would not care in many cases to go to a publichouse.

5621. I don't speak of a publichouse, but of a licence to sell liquors not to be consumed on the premises, of which there are some instances, are there not ?—I believe there are.

5622. There is no special advantage in buying your spirits in conjunction with your tea, any more than with your bread or your boots ?—No. Not except in this way, that when you give a licence of that sort to a grocer who has already a large connection and a large business, he is able to go into the business with more capital and with more chance of success.

5623. But could not a retail baker do the same ?—Precisely, if his business was large enough. The only other thing that I wish to say anything about is with regard to a matter that I have seen more of in country districts. I think it would certainly be better that no liquor should be consumed on the premises in a country district ; because an agricultural labourer comes into the village on a Saturday night to get his provisions : if the licence is confined to premises where the liquor cannot be consumed, he may take half a mutchkin of whisky home with him, and he does not go back for more after that is done ; but if the licence is given to a publichouse, he drops in there, and meets with friends, and drinks until he has spent all the money he has got.

5624. It has been argued by witnesses on the other side, that unhappily a large number of working people have very poor houses, consisting of only one room, which likely is over-crowded, and that it would be a very bad thing if he should take liquor there to be consumed among his children. What do you think of that view ?—I think that is entirely a sentimental view of the matter. I think it is always better that a man should take what drink he does take under the family restraint, such as it is.

5625. *Mr Campbell Swinton.*—I suppose you think that going to the publichouse leads to convivial habits ?—Yes, and it leads to drinking. Working men have often told me that they have had to drink a great deal more than they intended to drink by going to the publichouse, because they sit round a table and first one stands a round, and then another stands a round, until they all have stood a round, and they have drunk a great deal more than they otherwise would.

5626. *Mr Ferguson.*—Then, while you would not do away with publichouses in towns, you would do away with them in the country ; that I understand to be your argument ?—No, it is not my argument altogether. I say that in the country grocers' licences are certainly a benefit to the working class, and that they are not so harmful as publichouses.

5627. But you stated distinctly just now, that in country places it would be better to have no houses for

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Dr Barras;
Dr Taylor.
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the sale of drink to be consumed on the premises?—I did not intend to go that length. What I meant to convey was that in many cases the publichouse did far more harm in the country, and that the grocers' licence was much better for the agricultural labourer than the publichouse; but you cannot abolish publichouses in the country altogether—you must have them there to some extent.

5628. *Sheriff Crichton.*—There is one part of your evidence which I wish to make perfectly clear. You spoke of a man coming out of the publichouse like a raving maniac after taking a comparatively small quantity of drink. Is that to be attributed entirely to the presence of fusel oil or to the newness of the spirit, or is it to be attributed to any extent, to adulteration?—I do not know very much about fusel oil, but I think the result I mentioned must be due either to the presence of fusel oil in the whisky or to its unmaturing state. There may be some chemical change which goes on by keeping it which makes it less noxious.

5629. But you do not suspect any adulteration?—I don't think there is any adulteration at all. They put water into the whisky, but that is all.

5630. *The Chairman.*—The result, I suppose, will be partly due also to the man having been drinking on an empty stomach?—It is generally after they have had their tea or their supper that they take it.

5631. Is there anything else you would like to add?—No. *Dr Barras.*—I should like to add one word. I don't wish to draw any invidious distinction between the publichouse-keeper and the licensed grocer. My experience of them is that the one class of men is as respectable as the other; but I am naturally strongly of the opinion which I entertain, that whether the licence is held by the one or the other that drink should not be consumed on the premises, and that the magistrates or justices of the peace, in granting a grocer's licence, should consider it as being equivalent to a publichouse licence.

5632. And to count in the number?—Exactly. In our burgh the number of licensed grocers in the principal thoroughfare is just about equal to the number of unlicensed grocers. If there were no other licences than those granted to publicans we would have one licence for every 600 of the population; while of grocers' licences we have one for every 900. Taking both kinds of licences together, we have one for every 350, showing at least that our spiritual interests are not being overlooked either by the publicans or the clergy. There is one thing that has struck me as a rather singular thing in connection with this matter, and that is, that it is not an uncommon thing to have a licensed grocer next door to a publichouse. In one case there is a licensed grocer next to two publichouses, that is to say, the three shops are in continuous succession with no other shop intervening. We have licensed grocers where perhaps there is only one shop intervening, and sometimes two; but it is not an uncommon thing to have a licensed grocer and a publichouse together, and we have corner shops that are occupied by licensed publicans. My own opinion is that there are far too many facilities for the sale of liquor. It may be quite true, as some people say, that if you had less you would create a monopoly, but of the two evils that certainly would be the least, to put it as far beyond the reach of people as possible.

5633. I understood you rather to deny that the increase of facilities tends to an increase of consumption. When I asked you whether having the liquor sold in grocers' premises facilitated the buying of liquor when people were going there for their common necessities, you said you did not think that increased facilities would lead to increased drinking?—I did, but that requires a little explanation. What I meant was, that increased facility would not lead to increased drinking simply because the people cannot get it consumed on the grocer's premises; they must send for it; they cannot drink it on the spot as they could do in a publichouse. It is not an uncommon thing to see among tradesmen, that whenever they get an opportunity, by their masters' backs being turned, of leav-

ing off their work, they go to the nearest place where they can get a glass of beer or a glass of whisky. I do not mention that as being anything to the prejudice of the working men as a class, because you will always get some black sheep among every class of society, but in such cases they always go to the nearest port. Now, if the facilities for obtaining drink were not so great, these men would, perhaps, not be induced to go for it. If the drink was not so easy to get, they would be kept at their work, and they would be kept sober at all events for some part of the day. I have also seen working men from the shipbuilding yards—those, however, were working on piece and not on time, and were, therefore, in a sense, masters of their own time—go to the nearest publichouse for a glass of beer or a glass of whisky, and I have said to them that I thought it was rather an expensive way of drinking, and it would almost have been better if they had gone and drunk a bottle of champagne in their own house. Now, if the publichouses were further removed from them they would never think of taking it, and that is the reason why I think that the facilities are far too great, and that the drunkenness would be greatly lessened if these facilities were reduced.

5634. *Mr Campbell Swinton.*—Do you think the magistrates are too lax in granting the licences?—I think so. As I have already mentioned, in the principal thoroughfare of Govan, extending to about a mile, we have as many licensed grocers as we have unlicensed, not to speak of publichouses. At present we have 44 licensed grocers, and we have nearly one-half of these licences in that thoroughfare. I may also say that we have exactly quadrupled the licences since Govan was made into a burgh. The publicans have increased by ten in proportion to their number, while the grocers are less by eight.

180. Rev. Mr HARPER, Established Church, Wishaw,
181. Rev. Mr HAMILTON, Langside, Glasgow, } examined.

5635. *The Chairman.*—I understand, Mr Harper, you have formed a distinct opinion upon the present system of grocers' licences?—*Mr Harper.*—I have.

5636. Would you state what that opinion is?—It is favourable to the present system.

5637. You mean that you are favourable to the present system of grocers having licences to sell spirits?—Yes.

5638. What is your reason for holding that opinion?—I consider that in our district there has been no abuse, at least in my parish there has been no abuse of the licence. I have heard no complaints. There is a great amount of drinking, but I have never heard from husbands the slightest complaint about the facilities of obtaining drink from grocers being any cause of drunkenness in their households, and I believe it would be felt a degradation by many of the population if they had to go to the publichouse for what spirits they required. There are certain associations with it, and certain language that is heard from the frequenters of the publichouse bar that is not heard about a grocer's shop.

5639. Then it is the facility for such persons as have occasion to get spirits for procuring them elsewhere than in the publichouse that makes you approve of the system of grocers' licences?—When you say facility that is scarcely the word I would use.

5640. Or opportunity?—Yes, respectable opportunity.

5641. But you don't see any particular virtue in the sale of spirits being joined to the sale of provisions? It is merely that there should be a quiet place from which they can be procured?—Yes.

5642. So that your opinion would be equally satisfied if there were licensed houses for the sale of liquor not to be consumed on the premises, apart from grocers' shops?—Yes. My only fear would be that they would

sink too, and come down to the level of the public-houses.

5643. You would be afraid that in such houses, there would grow up a habit of drinking in the shop: is that so?—I think there might be a temptation to that, and considering the whole of the circumstances, I would fear that it would sink too.

5644. We have it in evidence that in many places the grocers' shops have sunk in the same way?—Yes; I see that from the evidence which has been given.

5645. But presuming that they can be kept to the terms of their licences, the advantage which you see in the present system would equally apply to the spirit-dealer licence to sell not to be consumed on the premises?—Yes.

5646. Then the fact of liquor not being consumed on the premises is, in your judgment, a great guarantee of the quiet and good order of the dealer's shop?—I think so.

5647. Do you think that in that view it is important that they should be strictly required to sell in closed and not in open vessels?—I don't think that is a question of any importance, so far as my experience goes.

5648. You don't think that the ability to purchase in an open vessel would be more likely to lead to the evasion of the law, and to the immediate consumption of the drink?—Not so far as I am aware, but I never thought much of that.

5649. What is the practice in your district with respect to the purchase of liquor in small quantities; How is it generally taken away?—It seems to be taken away in small bottles or in small flasks.

5650. But do you know whether the licensed grocers in Wishaw do or do not sell liquor to be taken away in open vessels, such as in cups?—I don't think it. I spoke to them about that, and they said they did not do it,—that it was exceptional.

5651. Do the people bring their own bottles?—Yes, they seem to do that; but you had two grocers here yesterday; I cannot answer for them.

5652. But you express a decided opinion upon certain observations, and one is anxious to know upon what that opinion is founded?—So far as I can see, it is purchased in closed vessels,—their own bottles, or a flask purchased and corked.

5653. What is your experience as to the increase or diminution of drinking according to the rise or fall of wages?—It is determined more by that, I think, than anything else. My parish is chiefly a mining parish; it scarcely corresponds with the boundaries of the burgh of Wishaw. It contains a population just now of about 10,000; and there are 9 hotels, 9 licensed bars, and 6 grocers' licences, or about 1 licence to every 400 of the population. If the whole adjoining district is taken in, it would be about one to every 500, which I observe is laid down as the normal state of things. There is, as you are aware, a very close connection between drunkenness and crime; and I find that the fines for breaches of the peace,—comparatively slight, many of them are, but nearly all committed under the influence of drink,—have varied very much, but they have not varied according to the number of grocers' licences. There were only three licensed grocers about four years ago; there are now six; the number has been doubled. I have obtained a note of the fines in our burgh court, and I find that in the year ending 4th September 1870, the year when I went to Wishaw, the fines were £95; in 1871, £184; in 1872, £264; and in 1873, the year of the high wages, they rose to £616, a very considerable sum for the population. If there had been the same immorality in Glasgow, and the same enforcement of the law, the fines would have yielded a sum of about £25,000 or £26,000; so that I presume that at that time Wishaw was very bad indeed. In fact, it was most noticeable to every person who came to the district; they declared they never saw anything like it, from the number of drunk people who were lying about the roads; and I am persuaded that that drink was obtained from the public-houses. Then, in 1874, the fines were £501. In 1875, there was an extension of

the burgh, and some 3000 or 4000 inhabitants were added to it; but wages were coming down. In that year, however, the fines were still £416. In 1876, they were down to £249; while up to the end of September, the close of the fiscal year, they are down to £173, and that notwithstanding the fact that we have several hundred navvies working on a new line that is just passing Wishaw,—a line nearer to Wishaw than the present one. Making allowance, therefore, for the increase in the population, the amount of the fines now would bring it down to something like the same state that it was in before the wages rose. In fact, in 1870 and 1871, the miners' wages were somewhat higher than they are at the present time.

5654. Were these fines for assaults and breaches of the peace as well as for drunkenness?—Yes, and drunk and incapable. The numbers vary; about 700 or 800 would be apprehended in a year.

5655. Do you think that if the maximum fine under the Act were higher, it would have a better effect?—I think the maximum fine should be raised very much. It is quite a mistake to have it so low as 5s.; it is a mere mockery. It ought to be made much higher for repeated breaches of the peace, or repeated cases of drunkenness and incapacity.

5656. May I ask you, Mr Hamilton, whether you generally concur in what Mr Harper has said?—*Mr Hamilton*.—The district with which I am connected is so much different from Mr Harper's,—it is not a mining district at all, and it is so very limited in extent, that any concurrence I can give must be very partial. The district comprises the village of Crossmyloof, and there is only a population of about from 900 to 1000 in it, so far as I can ascertain. In that district, I think, there are only two licensed grocers,—one large grocer and one small one. There are, I think, four publichouses, and one on the extreme verge of the village, not in the parish, but you may say belonging to the district.

5657. But the village or parish containing 900 people has a population beyond which may be said to be supplied by these houses?—I think that so far as the publichouses are concerned, their trade is mostly from people who come out from town,—who come from Pollockshaws or from neighbouring districts. I don't think that so far as the village itself is concerned, the actual amount of drink sold would support one publichouse in Crossmyloof.

5658. Then, perhaps you would offer remarks of your own without reference to what Mr Harper has said, if you would prefer it?—So far as I know of the licensed grocers, their trade is quite legitimate. I think that the grocers' trade in spirits is quite a legitimate trade, being that of carrying small quantities in vessels from the shop; but I believe there is very little of that with us,—the trade being mostly in connection with respectable families, who may take their small supplies regularly from the grocer. I don't think there is much demand by families from the publichouses at all.

5659. Then you mean to say that you think the possession of licences by two grocers in Langside meets a legitimate demand?—Yes, from the villagers.

5660. Are you able to say that these particular houses are well conducted, and do not, to any extent at least, sell liquor to be consumed on the premises?—I think so. I have never been told of any case of liquor being sold to be consumed on the premises.

5661. But have you proper means of observing that?—Only in so far as passing through the village very frequently.

5662. And you see no signs of people going there to drink?—No.

5663. Do you think that in itself it is a convenience to families, and has no bad effect?—I think so.

5664. You have not heard, for instance, of women being induced to take to drinking by the temptation offered to get spirits at the provision shop?—No. I have never heard of any such case.

5665. Is that the substance of what you wish to say?—Yes. *Mr Harper*.—I ought to have mentioned that I spoke to the provost on the subject of the fines, and

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Mr Harper;
Mr Hamilton.

GLASGOW. asked him if they had modified them and brought them down to be somewhat in accordance with the altered circumstances of the people from having less money, and he said they had done so to a certain extent. He said there were so many days that they could send a man to prison or give him the option of a fine, and they had lowered the fine somewhat, so as to be as it were commensurate with the other punishment. Therefore, the fines have been made less in these more unpropitious times.

5666. Is that for fear of punishing a man's family too severely?—Yes; and that has been taken in as an element in considering the amount of the fines. I may mention that we are very much annoyed with Sabbath drinking, and I believe that is what is most offensive, and doing more harm than anything else.

5667. Is that by the so-called *bona fide* traveller?—Yes; it is quite a farce with us. They come in from the neighbourhood, or only go a street or two, and then they are travellers.

5668. Do you think they ever get drink in grocers' shops on Sundays?—No, never. I have spoken to the hotel-keepers about this; I know them quite well, and although I have spoken about the class of people, and what goes on at their doors, I am not wishing to throw special aspersions on the men themselves. They are just like a railway company; with the class of passengers going through Lanarkshire here, it is often very disagreeable to be in a third-class carriage at certain hours of the day, and at certain places. In other parts of the country, such as away in Dumfries, or in the north in Perthshire, you may ride at any time in a third-class carriage, and feel very comfortable, but that does not prove that the directors of the Caledonian Railway are less respectable than the directors of the Highland Railway. The hotel-keepers with us are in the same position; they have certain customers coming in whom they must serve. I have spoken to them more than once about this Sunday drinking, and about four years ago, when matters were at the worst, I went round and saw them about it; and they agreed to this, that if every hotel was closed, they would be quite willing to close. They said the inconvenience and trouble of that Sunday traffic was so great that they desired to get out of it; but the arrangement has not been carried out. I consider Sunday drinking to be one of the greatest evils that we have in connection with the liquor traffic.

5669. *Mr Campbell Swinton*.—Then you are quite decidedly of opinion, from your observation, that the excess of drunkenness which you deplore so much in your parish, is occasioned by the publichouses and hotels, and not by the grocers?—Yes; that is my conviction. When I got the hotel-keepers to say that they would shut all their places on Sunday, I went to people who were specially interested in the temperance movement, and I proposed to call a public meeting, and said I would go with a paper signed by every hotel keeper in Wishaw, saying they were quite willing to shut their establishments on Sunday, if it was done on the part of all; but I was told, 'we want no half measures. We want to put a stop to the whole traffic.'

witnesses?—*Mr Crichton*.—My experience of the grocers' licensing question is based on the fact that for the last seventeen years I have personally, more or less, been engaged going out and in among grocers, licensed and unlicensed, in various parts of the country in Glasgow and the principal towns in Scotland. I don't go so frequently over the towns of Scotland as I remain in Glasgow, but when I do go occasionally I am generally accompanied by one of our travellers, some one who is constantly going round that particular part of the country, and making regular journeys so many times a year; and if I go along with him, then I am introduced to the various grocers with whom we are doing business, and I at once get acquainted with them, and can see quite clearly the style in which they conduct their business. Speaking generally of the towns of Scotland, with regard to the Licensing Act, I would say that wherever the law is stringently applied, it is ample to meet any deviations on the part of the grocers in the observance of the law. I find, too, that a great improvement has taken place in the manner in which the Licensing Act is observed during perhaps the last ten or twelve years in country towns. I think that in that time there have been fewer evasions of the law than there were before. I have frequently seen cases of backshop drinking,—people going in in a quiet way and getting a little whisky—in certain towns. I think Dundee was about the worst for that ten or twelve years ago, but of late years I find that to be less visible, and in a great many of the best shops in all the towns they are entirely free of it. In Dundee a year or two ago I was led to inquire particularly as to how the town had so much improved in that respect, and I was informed by our man there who goes constantly about that it was entirely in consequence of the more stringent application of the law. The magistrates were not granting licences so readily; they were more particular with those they granted; and they were more strict in withdrawing a licence in the case of any evasion of the Act. The police, too, were looking sharply after their work, and in that way a stop was put to the evasion of the law by those grocers who might otherwise have done it, because in Dundee there is a large lower class population, and a number of smaller sized shops, and some of them might perhaps have evaded the law if they were able, but for that strictness on the part of the police. That practice has, I think, been almost entirely done away with; and that leads me to believe, that if the law is fairly applied, as it may be, and as it is possible to apply it, it is quite sufficient to cure the evil that is complained of. I say so much with regard to the towns of Scotland, with which I am, I may say, partially familiar. The next of my remarks will apply more particularly to Glasgow. I have gone largely over Glasgow for the last twelve years, spending almost all my time, perhaps five or six hours or more a day, walking between twenty and thirty calls a day on an average, on the grocers in Glasgow, both licensed and unlicensed. I find that there are always in Glasgow a large proportion of the licensed grocers' shops in west end localities,—I mean by that the better districts of the town where the better class people live, who may be supposed at all times to keep liquor in their houses, and therefore to wish for the convenience of ordering it from the grocers, and having it sent to their houses; and my opinion is that if a grocer means to keep his trade up, and to conduct it properly so as to meet the wants of his customers, it is essential for him to possess the grocers' licence for the sale of liquors.

5671. Then, in that case, you would think it hard upon a grocer in a respectable way of business for the magistrates to refuse him a licence?—I think there is a little hardship in it, provided he is quite a respectable man and is in a west end locality, where he can scarcely so well conduct his business without it. I think he is in that way placed at a disadvantage.

5672. And the licences in that case should, you think, be given according to the demand for them by the trade?—I think so. I don't say that an unlicensed grocer in the heart of the town is at the same disadvantage, because there there is not such a demand by

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| <p><i>Mr Crichton;</i>
<i>Mr Borthwick;</i>
<i>Mr Thomson;</i>
<i>Mr Wilson.</i></p> | <p>182. Mr JAMES CRICHTON, of Messrs Pringle & Crichton, Wholesale Tea Dealers, Glasgow,</p> <p>183. Mr THOMAS BORTHWICK, Wholesale Grain Dealer, Glasgow,</p> <p>184. Mr JAMES THOMSON, Commercial Traveller to Messrs Semple, McLean, & Reid, Wholesale Tea Dealers, Glasgow,</p> <p>185. Mr DAVID WILSON, Commercial Traveller to Messrs J. & T. Brown & Co., Wholesale Tea and Coffee Merchants, Glasgow,</p> | } examined. |
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5670. *The Chairman*.—I understand that Mr Crichton will speak first, and on behalf of the other

family grocers; and it is the fact that in Glasgow the unlicensed grocers are quite sufficient to hold their own with the licensed grocers. Indeed, they have perhaps the best of it.

5673. You mean to say, then, that the licence is, in your opinion, essential to a grocer in west end localities as distinguished from one in the heart of the town, where, perhaps, the lower class people live?—Yes.

5674. Suppose that none of them had it, but that the trades were separated, I suppose that no such necessity would then apply?—I would say then that it would be a great inconvenience for people in west end localities particularly, or people who were in the habit of buying their spirits and having them taken to their homes if they could not get them at the grocers.

5675. But suppose that in Buchanan Street there was one man who sold tea and so forth, and another man who sold spirits, &c., would there be any great inconvenience in a party ordering his commodities from these two houses instead of one?—It would necessitate two sendings. He would require to make two messages of it; then the goods would require to be sent in two different directions, and they would be entered in two separate accounts instead of being all entered in the one. Then the unlicensed grocer in the centre of the town has country customers coming in, who enable him to maintain a good business, irrespective of the licence. These people come in by the railway trains and pass through the centre of the town without going round by the outskirts at all, and therefore would not buy their goods there, so that the unlicensed grocer in the heart of the town can better afford to want the licence.

5676. Then, do you mean this, that so many men could not be supported by the grocery trade if it was not helped by the spirit trade?—Certainly not; because just now if you take away a man's attention from the grocery trade pure and simple, and give him a general trade, including spirits, he does not push the groceries quite so much. He is content if he does a good trade on the whole; he does not push the special articles of his grocery business quite so much, because he has the union of things.

5677. But supposing Parliament thought it desirable to separate the two trades, if it was not done in a hurry, but upon due notice given, the thing would arrange itself, would it not?—Through time it would. The competition would be very severe during the first few years on the grocers' part, and some of them would have to go to the wall; but through competition, it would ultimately adjust itself. Then, with regard to drinking on the premises, I have not seen that prevail to any extent in Glasgow for the last twelve years. In that time I may perhaps have known one or two places where the law was evaded a little, but at the present moment I cannot put my finger on any one place where it is done.

5678. The chief-constable tells us that he believes it to be most uncommon among the grocers in Glasgow.—I believe that to be correct. I am constantly going out and in to their premises; and I am sure I would see it if it was going on. Treating travellers is equally unknown in Glasgow; and as to treating customers, I never saw it. It would be very much against the trade of any respectable grocer in Glasgow if he allowed such a thing on his premises. Respectable people would not go in if they saw hangers-on in that way about the shop. As to supplying drinks and charging it as groceries, I would say exactly the same thing. I have never seen or heard of such a thing, and I am sure it does not obtain in Glasgow. In fact, in the lower class places, where that would be most likely to be done, there is not much credit given. In the very lowest places it is all cash; they won't sell to them on credit; and then with regard to the class a step above that, the Arrestment Act prevents that to a great extent, except in Govan and Partick, where there is some of it yet, but in the west end localities it does not apply. There may be an open account running there, but they get it in large quantities. Then another point which I have seen noticed is women buying drink from grocers who would otherwise rather want than go to the publichouse for it. Now, I have seen women and others frequently go into grocers' shops

for small quantities of whisky, more particularly in those parts of the town where the poorer classes and those who don't buy large quantities live, still I am not of opinion that any woman who wants to buy whisky in that way would want it if she could not get it in a grocer's shop. I think it is a great convenience that she gets it there, and she probably uses that convenience; but I think that one who really wants it would not be deterred from going to the publichouse for it. I think, too, it would be a great hardship that those who prefer to go to the grocer's shop should be compelled to go to the publichouse for it. I know a grocer at present who has frequently had occasion to send his lads to a publichouse in order to purchase liquors for his customers who came in and asked him as a favour to do it rather than that they should send their servants for it. The other day I was informed of a lady who came to a west end grocer, and began to give a pretty extensive order. She came on to the item of malt liquors, and when she was informed that he could not supply them, she said she just thought of opening an account with him, as she liked his other things very well, but she would much prefer having her goods from where they could be got all together. I know that that feeling is very common, and therefore I think it would be a great inconvenience if people had to go elsewhere for their liquors.

5679. Did not that case you last mentioned show that it would be unfair to a grocer to refuse him a licence, because the effect of refusing him a licence would simply be to transfer from him some of his custom?—It certainly would have that effect; but there is room for a certain number of unlicensed grocers who may draw their custom from people who do not wish to go either to the licensed grocer's or the publichouse.

5680. But if a grocer applies for a licence, it is presumptive evidence that he thinks it is necessary for his business?—I should think so.

5681. *Mr M'Lagan*.—You are now referring to Glasgow?—Yes, entirely to Glasgow.

5682. We have had it in evidence that the unlicensed grocers in Glasgow are greatly in excess of the licensed grocers?—They are.

5683. That shows, does it not, that the great majority of the people of Glasgow do not consider it to be a great inconvenience to go to two different shops for their groceries and their drink?—That might be inferred; but the large grocers' shops proper flourish best, not so much in the west end localities as in the centre of the city, where customers from the country coming by railway call at their places, or in the lower districts of the town, where people come out to buy small quantities of groceries every day. Some of the unlicensed shops in the lowest parts of the town do the largest trade of any of the grocers in Glasgow, and they sell both the cheapest and dearest commodities. That is a peculiarity of the working classes here. If they have money they will take the best articles they can get, and pay a high price for them, but if they do not have money they will take cheaper articles. After getting their groceries from the unlicensed grocer, these people go to the publichouse for their liquor, and that is no hardship for them, because they are not afraid to go in. They are in the habit of frequenting the publichouses; but when you come to apply that condition to respectable people who do not like to go to the publichouse, you are imposing a hardship upon them. In the case of the lower class people, they do not mind going there for their liquor, because they are in the habit of going back and forward there, and they know the people who frequent these places, so that an unlicensed grocer's shop may flourish very well in such a locality. You will see, therefore, that the trade which is carried on in these localities is a very different one from what is carried on by a west end family grocer, who supplies families with groceries and liquors and everything they want.

5684. The Chairman put the question to you already, that supposing the legislature should resolve to abolish grocers' licences, and to establish another class of shops for the sale of excisable liquors not to be consumed on the premises, do you think that the better class of people would object to go to such places for their

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—
Mr Orichton;
Mr Borthwick;
Mr Thomson;
Mr Wilson.

GLASGOW. excisable liquors?—I think they would. I think there would be objections to such shops unless they were allowed to sell groceries as well. I have heard it frequently and generally stated that the quality of the liquor sold in grocers' shops was better than that which was sold in publichouses, and I had the curiosity to test that for myself. I sent to half-a-dozen different grocers' shops in Glasgow, and procured from each a small quantity of whisky. These were taken at random in different parts of the city; there was no selection made. I instructed my confidential clerk also to take the very same quantities of whisky, at the same prices, from the nearest publichouses to each of these grocers' shops. I then mixed all the grocers' whiskies together, and I mixed all the publichouse whiskies together, as I did not wish to be invidious in any way in comparing the whisky sold by one individual with the whiskies of another. When I had mixed the whiskies in the way I have mentioned, I sent them to an analyst for analysis, and the result was that in alcoholic strength the grocers' whisky was 8·4 degrees stronger than the publichouse whisky. At the same time they were both good wholesome whiskies, and free from any adulteration or anything bad; so that I am of opinion that here in Glasgow we are supplied with good wholesome pure whisky, both in the publichouses and in grocers' shops. The result of my experience, however, was, to the extent I have mentioned, in favour of the grocers' shops, so far as strength went.

5685. *Mr Ferguson*.—Did that analysis indicate anything with regard to the presence of the fusel oil that we have heard so much about?—It was distinctly stated with regard to both samples that there was no fusel oil in either of them. They were quite pure and free from that.

5686. *Mr Campbell Swinton*.—Do you suppose that the different whiskies were of the same age?—I cannot tell as to that. The analyst could not determine what age they were; but they were bought at the same prices, and I have given you the result.

5687. *Mr M'Lagan*.—Can you tell me whether there is more fusel oil in malt or in grain whisky?—I think there is more in grain whisky.

5688. I put the question because a distiller told me the contrary.—I am not prepared to give an opinion upon that matter. With regard to the minimum quantity to be sold, I would have that regulated entirely by the wants of the purchaser. With regard to the hours of closing, I think that these might, without danger, be made shorter than they are. I think that all licensed places might shut perhaps by 8 o'clock at night.

5689. Do you mean publicans as well as grocers?—Yes. Then I have noticed one point which has been brought frequently before the Commission,—to make the rent the basis of licensing. I don't think that that would work. It would tend to give a certain value for the shop and to attach the licence to the shop to a certain extent rather than to the individual. I think that if the individual is all right, no matter what the shop may be, provided it is thoroughly open to daylight, and suitable for conducting the business, I would not pay much attention to its size.

5690. *Mr Ferguson*.—But the licence at present does not belong to the individual; it is attached to the house. It is the house that is licensed, and not the man?—There is a difference of opinion about that. It is considered, I think, by the magistrates of Glasgow that they license the man.

5691. But then that man cannot take away his licence to another house?—He can apply to have a transfer of it from that house to another. The position of matters is this: the landlord lets his shop, and the tenant then proposes to get a licence. He pays £25 of rent for the shop to begin with, and he gets a licence. He is a respectable man, and he gets a lease from his landlord, perhaps for seven years. He conducts his business in a respectable way, and has made a good trade there, and then perhaps at the end of that time the landlord comes in and says: 'I know that you are licensed; you will have a difficulty in getting your

'licence transferred to any other premises; the rent of my shop will now be £60 or £80 per annum.' They put most fabulous rents on such premises in Glasgow as are licensed, and that, I think, is a great hardship to the grocer. He has made his business, and it is on his own application that the shop has been licensed; but the landlord comes in and reaps the benefit.

5692. Then your opinion is in favour of licensing the man and not the house?—Yes. With regard to police interference, I think it is ample as it is,—I mean that if the present powers of the police were properly carried out, they would be quite sufficient to prevent any abuse of the existing Act. With regard to the whole matter as to grocers' licences, I think they ought to be allowed to remain as they are at present. If I might be allowed to refer at all to publichouses, I would say that, having thought a good deal about this matter from various points of view, I think that all licences should be granted for consumption off the premises, and that there should be no such thing as the consumption of liquors on any premises where they are sold. I think that is a far greater public inconvenience, and leads to ten times the amount of drunkenness than is caused by licensed grocers.

5693. *The Chairman*.—Do you think that people should not be able to go into a hotel, for instance, and buy liquor and drink it there?—I would require to except hotels. Some provision might be made for allowing liquor to be given to those who live in them.

5694. *Mr Ferguson*.—And restaurants?—Restaurants, I think, would also require to be provided for. They might be allowed to sell nothing stronger than beer, or whisky of the strength of beer.

5695. Sherry?—Anything of an intoxicating nature might be allowed to be sold strong enough to act as a stimulant; but liquors, properly so called, should not be sold in such places, so that men could go there and get themselves intoxicated, and then come out and annoy the public on the streets of Glasgow as they do so often at present on a Saturday evening. We see men leaving these places at such times, and many of them in a state of intoxication. What I mean is that if some system of that kind were introduced, and if people were to buy their liquors and take them home, they would be at home when they consumed them, and they would not be outside or seen by the public or coming in contact with them. I think these are all the points which I wish to mention.

5696. *The Chairman*.—Do the other gentlemen concur generally in what Mr Crichton has said?—*Mr Thomson*.—My experience as a commercial traveller has extended from Peeblesshire down to the West Highlands as far as Stornoway, including the counties intervening, for the last thirty years. I concur generally in what Mr Crichton has said. I don't concur, however, in the last statement he has made. I would not restrict people to taking away spirits from publichouses for the simple reason that in taking them away from the publichouses it would necessitate them taking them to their own homes, and thereby expose their children to the evil influences of drinking habits, which, I am sorry to say, prevail to a large extent in many of our towns. I quite concur with Mr Crichton that I would not sanction the withdrawal of licences from grocers. My reason for saying so is based upon experience previous to the passing of the Forbes M'Kenzie Act. Previous to that time it was customary for grocers to have their groceries on the one side of the shop and their provisions on the other, and to have places in the back part of their premises for drinking purposes, which I must confess I very rarely saw abused.

5697. At that time the grocers' shops were really publichouses?—Yes. At the passing of that Act, however, many of the grocers who held licences wished to retain their licences, and in some instances they got shops next door, and in others a door or two apart. When that was the case they simply gave a line for the spirits asked for, and the customer went to the spirit shop, thereby exposing women and children to the evil of counter trades, where in many instances there might

be parties drinking and swearing and using language which no woman or child ought to hear. Consequently I could not accede to the separation of the businesses for that reason alone. The great majority of the evidence which has been given I quite concur with.

5698. You would not approve of separating the two businesses, because, as I understand, that would drive the women or children to be sent as messengers to the publichouses?—Yes. Then as to evasions of the law, I have known instances where the law was evaded, but not for a long time,—not since the police surveillance has been so carefully gone about as it is now.

5699. On your professional visits you have not for a long time witnessed any evasion of the law?—No, I have not.

5700. Have you seen any practice of drinking in the shop on any pretence whatever during your visits?—I have. I have seen spirits given to friends, that is if a person were unwell; but not a moral evasion of the law.

5701. And to customers?—Not to customers unless in one or two localities. The places where I have seen it mostly were where there were large ironworks, where men are exposed to great heats, and in many cases obliged to take beer and things of that kind, and where there was no publichouses in the neighbourhood. I have seen the law evaded in such circumstances; but very seldom.

5702. When you say that there was no moral evasion of the law, that is a mere matter of opinion as to whether an evasion of the law is an immoral act or not?—In saying that it was not a moral evasion of the law, I meant that it was not an evasion of the law for purposes of profit. It was simply evaded for friendship.

5703. You spoke just now of men employed in exhausting occupations resorting to grocers' shops and procuring drink there. Would you call the giving of liquor in such cases the giving of it for a charitable purpose?—I certainly would. In the case of many of these men their energies are exhausted, while by getting beer or porter their lost energy is resuscitated.

5704. But still that is in the way of trade?—Yes, it is quite in the way of trade, but I have known very few instances where that has been done. I have more frequently seen it refused. In various places, for instance in Govan, Partick, Whiteinch, Wishaw, Biggar, Lanark, and elsewhere, I have not only seen the grocer refusing to give the spirits, but I have seen him in many instances refusing to give spirits and to mark them down in the book. I have taken the trouble to ask the grocer afterwards why he refused to do that, and his answer was that the party who applied was a respectable working man, and that he had quite enough to do to get the necessaries of life without getting any of the luxuries, and incurring a debt which he had no prospect of paying.

5705. The next witness is Mr Wilson: Do you concur generally with Mr Crichton in what he has said?—*Mr Wilson.*—I concur generally with his statement. I have had a pretty extensive experience of over twenty years travelling in Glasgow and neighbouring towns, Stirling, Helensburgh, Dumbarton, Greenock, and most of the towns in Ayrshire. I would not like to endorse the whole of Mr Crichton's statements, but I must say that my own experience, extending over that length of time, is entirely in favour of the grocers. I think they conduct their business exceedingly well. I have seen a little evasion of the law in some cases, both in town and country; but only to a very limited extent. I would be quite opposed to the separation of the two trades. I think it would inflict a very great hardship on the grocers, and I think that the people generally prefer to get any liquors they want along with their groceries.

5706. You mean that it would inflict a hardship to take away the licence, or to refuse to renew a licence, to a man who had laid out money on his business?—Yes.

5707. But would there be any hardship in refusing a licence to a new man?—I think I have known some cases where there was a good deal of hardship in that way. I would be inclined to grant a grocer's licence to any respectable party who was a grocer, and whose

character would stand the test, and who had a suitable shop for the purpose.

5708. How have you seen hardship inflicted by the refusal of a licence?—I have known cases where customers of my own have complained to me about losing customers because they had not got the licence. The people prefer getting their liquors with their groceries, and they prefer going to other shops where they can get both things together. Then Mr Crichton has touched on the question of spirit-shops. My decided opinion is that we have far too many spirit-shops in Glasgow. I would rather see the trade more in the hands of the grocers; but I would not go the length that Mr Crichton did in advocating the sweeping away of spirit-shops altogether, and having no licensed whisky-shops in Glasgow where the liquor should be consumed on the premises. I think there ought to be some places of that kind, but not so many as there are at present. I think we might have fewer whisky-shops, hotels, and restaurants; but I think that in such places they should be allowed to give liquors to parties who want them, even a glass of sherry, or a glass of spirits, or anything that was wanted in that way.

5709. In fact you think there is room for both trades?—Yes. With regard to the hours, I think it would be rather an advantage to grocers than otherwise if they were confined to say from 8 to 8, and 10 o'clock on Saturdays. I think these hours would be sufficiently long.

5710. Would you think it fair to confine the grocers to these hours if the publicans were open till 11?—No; I think that would be hardly fair. I think the publican should be put on the same footing as the grocer in that respect. I think 11 o'clock is too late for any place of that kind to be open, and that 10 o'clock on Saturday night would do quite well.

5711. *Mr Campbell Swinton.*—What is the great necessity for keeping such shops open longer on Saturday nights than on other nights of the week?—I don't think that the necessity for that exists now to the same extent as it did before, because tradesmen now are generally paid in the middle of the week; but some years ago a great many of them were paid on Saturdays, and they required more time on the Saturday nights to get their business done. It was like two days' work put into one day.

5712. But when they paid them on Saturdays they paid them long before 10 o'clock, did they not?—They did; but as I say, it is not easy putting two days' work into one day. Still the same necessity does not exist now for these long hours. I know grocers who close in the same way on Saturdays as they do on other days of the week, and I think it could be accomplished with the great bulk of them even earlier than 10 o'clock.

5713. *The Chairman.*—I suppose the demand for late sales is more a matter of habit than anything else. People do not have to work on Sundays, and therefore they are not inclined to go to bed early on Saturday nights—is not that the reason?—Yes, I think that has a good deal to do with it; but I think if the grocers were to shut earlier, the people would get into the habit of buying their groceries earlier. I have heard a good deal said about the practice of people getting liquor at the grocer's shops, and having it put down in their books as goods. In all my experience, extending over a long period, I have never known a single case of that kind. With regard to the quantity to be sold, I think that may be left to the discretion of the grocer. I don't think it would be right to bind him down to say that he is not to sell less than a quart or a pint bottle. I know some of my customers who never sell less than a bottle, who have never smaller measures in their premises than half a gallon, and whose casks are kept down stairs altogether out of sight; but I know that there are others who are not in the same position, and I think it would be rather a hardship to confine them to a quart, or even to a pint bottle. With regard to children, or people coming and getting their liquor in open vessels, such as cups, I have not seen that, and I think if it exists at all, it

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Mr Crichton;
Mr Borthwick;
Mr Thomson;
Mr Wilson.
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GLASGOW. must be to a very limited extent indeed. I think that the grocery trade, as a whole, is conducted very well. The grocers as a class are most respectable men, taking them as a whole, and I don't think they abuse their licence in any way. *Mr Borthwick*.—I concur very much with what *Mr Crichton* has said. I think he has stated the case very plainly and very fully, and according to what my experience has been, so far as it goes. I would only say in addition that I would much rather see all the licences confined entirely to grocers, leaving it to the parties to say whether they would sell groceries or not; but I would have them all grocers' licences together. I consider that the great evil arises from drinking on the premises, more particularly allowing parties to go into a place and sit down in rooms to drink as long as they choose. *Mr Thomson*.—There is one remark that I would make with reference to the maturing of whiskies. I am well acquainted in Campbeltown, and I have asked distillers there who the parties were who matured their whiskies most or longest. The answer was that it was the family grocers. That is one point on which I think the law should be very stringent. *Dr Cameron's* analysis shows that the evil effects of whisky did not arise so much from adulteration as from the newness of the spirit, which was deleterious to the consumer.

5714. I suppose it comes to this, that the class of trade whose customers are most respectable keep the best class of goods?—That is my experience. It is easier for the grocer who does a good trade to keep his whisky for a longer time before he sends it out to his customers than for a spirit-dealer whose customers merely come into the place for whisky to be drunk on the premises. In the one case the grocer has to supply his whisky to families, and if he wants to keep up his trade he must give it of a good quality; whereas the other party is merely supplying persons who may never come back for more.

5715. *Mr Ferguson*.—Is it not the case that the newer the whisky it can stand more dilution with water?—I believe it is.

5716. *Mr Crichton* said that in the analysis which he made there was a difference of 8·4 degrees in the two qualities of whisky. That represents 8 per cent. of profit on the articles sold?—Yes.

5717. That, I suppose, has a good deal to do with the spirit-dealers using more raw whisky than the grocers?—I think the 8 per cent. has more to do with the body of the whisky than with its strength.

5718. *The Chairman*.—But the family grocer can get a better price from customers for a better article?—Yes. As a general rule they get a respectable price for their goods. My experience of family grocers has been that their business is conducted in a most gentlemanly way.

5719. *Mr Campbell Swinton*.—Would it be any hardship to any class of dealers if no whisky was allowed to be sold until it had been two years in bond?—I don't think it would be any hardship. I think it would be a public benefit, but it would be a loss to the spirit-merchant.

5720. It would be a loss to him unless he charged more for it; but if he made whisky dearer that would be rather a benefit to the world at large, would it not?—It would. Matured whisky two years old, as a rule, will not stand more than perhaps 1 of water to 5 or 6, whereas new whisky as sold by publichouses will stand 1 to 3 quite readily, consequently the profit on new whisky is very much larger from the fact that they can use more water.

5721. But it would be no great loss to the public at large if whisky was made dearer, would it?—I don't think so. It would not be a loss to the respectable trader. *Mr Crichton*.—It would put a monopoly into the hands of the larger capitalists, and it would then be a loss to the public. *Mr Thomson*.—I don't know that that would be the result. If it was made the law that no whisky should be allowed to leave the bond until it was two years old, then the distillers would mature their whiskies themselves in order to retain their customers. *Mr Crichton*.—And then the largest distillers would

have the better chance of business. It would put the business into the hands of the men who could keep the largest amount of stock, and it would give no chance to a young man to begin business at all.

5722. *Mr Ferguson*.—I was speaking to a wine-merchant last night about this matter, and he said that if a law was passed requiring spirits to be kept two years before it was used it would at once lead to the distillers keeping a stock, so that the common spirit-dealers would not require to be out of their capital, but they could always procure whisky from the distillers. Is that your view of the matter?—*Mr Thomson*.—That would be so. As a general rule the spirit-merchants are pretty wealthy men, and they could quite well afford to mature whisky in that way.

5723. And the only disadvantage which the retail dealer would be at, would be that he would require to pay a little higher price equal to the interest on the cost of the whisky for two years?—Yes. *Mr Crichton*.—And they would also be at a loss from the whisky lying so long.

5724. That would only be about 1 per cent?—It is sometimes a good deal more than that.

5725. *Mr Campbell Swinton*.—But he could recoup himself by charging more for his whisky?—Yes; he could recoup himself in that way.

186. Mr ARTHUR M'NEIL, examined.

5726. *The Chairman*.—You are superintendent of police at Stranraer?—Yes.

5727. You have a statement which you desire to read?—Yes. [The witness then read the following statement]:—‘I have been in charge of the upper district of the county of Wigtown since 20th August 1864. The upper district includes the parishes of Old Luce, New Luce, Inch, Stoneykirk, Kirkmaiden, Portpatrick, Kirkcolm, Leswalt, and Stranraer. There were seven licensed grocers in the upper district, five being in Stranraer, one in Glenluce, which is in Old Luce parish, and one in Portpatrick, which has been done away. I have always thought it a very bad thing for the public at large for grocers to hold a spirit license. I consider they afford great inducements to labourers and artizan's wives to get, for consumption on the premises, whatever kind of drink the licensed grocer has for sale, and I believe that a great quantity of drink is consumed in this way by these women on the premises; and that in some cases the drink is entered in their pass-book as for grocery goods. It is very difficult for the police to get at the licensed grocers, as their shops and dwelling-houses are usually all under one roof, and communicating, and the moment a policeman is seen approaching they can easily put the drinking vessels out of the way. In one case I tried to get at, the grocer had the customers into the house, and represented to me that they were friends, and were simply making a friendly call, which I knew was not the case. During the time I have been in charge, we have had several convictions in the upper district against licensed grocers for supplying drink to be consumed on the premises. I append a list of them for the period from 1870 till the present time. I have no record of convictions prior to 1870, but I know that there were convictions before 1870. My opinion is, that the spirit traffic should be a distinct business by itself, and if licences are to be granted at all, the sale should be restricted to such quantities as would take it out of the power of poor men's wives to purchase when they went for other goods.’ I have here a list of convictions against grocers in Stranraer district from 1870 to 1877, which shows that they were four in number, two of them being against the same person.

5728. You have 5 licensed grocers in Stranraer?—Yes.

5729. What is the population of the town?—About 6000.

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Wm. Wallace
Carstairs;
A. Thomson.

5730. How many publichouses and hotels are there?
—There are 33 publichouses and hotels in Stranraer,
and 5 licensed grocers.

5731. Are some of these grocers very small houses?
—In some cases they are very small. There are
two very respectable grocers in the place who do a big
business.

5732. The others are small ones?—Yes.

5733. *Mr Campbell Swinton*.—How low rented will
the smallest of them be?—£10.

5734. *The Chairman*.—With regard to those people
whom you suspect of evading the law but cannot catch,
are they of all sizes, or are they confined to the smaller
ones?—The smaller houses are the worst; there is no doubt
of that. The larger ones do a more respectable business.

5735. But it is your opinion that among the majority
of the grocers there is a habit of allowing liquor to be
consumed on the premises?—There is no doubt of it.

5736. Are the justices keeping down the number of
grocers?—No. There never have been any of them
refused in my time; but the person against whom
there were two convictions had his licence withdrawn.

5737. They require a second conviction before they
take away a licence?—They have it in their power, I
suppose, to take it away any time if the places are
badly conducted; but a person generally gets more
than one chance in my district.

5738. Then there are a good many unlicensed
grocers in the town, I suppose?—A good many.

5739. Is it commonly said in Stranraer that working
men's wives get drink at grocers' shops?—That is a
common report, and I have seen them get it myself.

5740. Do you think they were getting it without the
knowledge of their husbands?—I could not say that;
but I am sorry to say that we have a good many women
who take too much drink in Stranraer. There are
fishermen's wives and labourers' wives, some of whom
are very often much the worse of drink.

5741. I suppose a good many of them go to the pub-
lichouses for their drink?—I think they go as often to
the grocers' shops.

5742. Why do you think they give them the prefer-
ence?—They are more quiet, and they can go there with
less suspicion.

5743. Do you think that if grocers had not the licence,
they would go to the publichouse?—There is no doubt
of that. If they could not get it anywhere else, they
would go to the publichouse for it.

5744. But you think that, being in a place where
they have business at any rate, they get it more easily
in the grocers' shops?—Yes.

5745. Then the justices do not disapprove of giving
licences to grocers?—I never heard one refused, except
in the case I have mentioned.

5746. But they have not disapproved of that?—I
never heard any objection to it.

5747. *Mr Campbell Swinton*.—Are there many new
applications?—There have been no new applications for
grocers' licences for some time back.

5748. They are not going on increasing, then?—No;
not for the last seven years, since I had anything to do
with the town.

5749. *The Chairman*.—How long is it since a new
licence was granted for a grocer's shop in your district?
—There have been no new grocers' licences granted in
Stranraer, that I am aware of, for the last ten years.
Of course, I have only had charge of the town for the
last seven years, and I was not paying so much atten-
tion to it before that time. In upper district of Wig-
townshire there are 54 hotels and publichouses, and 74
unlicensed grocers, and 6 licensed grocers.

187. *Mr Wm. Wallace Carstairs*, Licensed
Grocer, Kilmarnock, } examined.
188. *Mr Andrew Thomson*, do. do. }

5750. *The Chairman*.—You are a licensed grocer, *Mr*
Carstairs?—*Mr Carstairs*.—Yes; I am now the third
representative of our firm. I was put into the business

in 1848, and succeeded my grandfather, who had been
fifty years in business previously. At that time the
Home Drummond Act was in operation. We opened
then at six in the morning, and when I was examined
before the Royal Commission on the last occasion, I
said I did not see any necessity for opening so soon,
and that the hours should be made shorter. At that
time, also, we were allowed to supply liquor to be con-
sumed on the premises; but we and other respectable
grocers rather discouraged that practice. I did not
wish to do it; we wished rather to sell it out of the
house. The grocer's business is a very great conve-
nience in country districts. The Forbes M'Kenzie Act
caused a complete revolution in it; and some people
had to remain as grocers, while others took to the spirit
trade. A number of people don't seem thoroughly to
understand what a licensed grocer is. They don't seem
to think they pay the same licence, viz., in proportion
to the rental, and sell during shorter hours off the
premises. Of course, the rentals in Kilmarnock and
many other country places are different from what
they are in Glasgow. A £10 rental in one place might
represent a £20 rental in another district. I consider
that, from the terms of the certificate under the Act of
1862, we are in very much the same category as spirit-
dealers. The premises have to be examined previous
to licensing, at least in the case of new applications;
and the police, if they think necessary, have powers
of supervision over us. With regard to the quality
of the spirits supplied by grocers, I am very glad to
hear that the analysts have stated that it is very good.
The samples taken in Kilmarnock were all declared
to be perfectly pure, except a little good clean water.
I have also, for eighteen years, been connected with a
bonded warehouse, and during that time I have had
ample opportunities of seeing the age of whisky going
into consumption, which varies from one to several
years. I have here a certificate from the officer of Ex-
cise, stating that, after fourteen years' experience on
bonded warehouses, he has never seen whisky sent into
consumption of such age and of such quality as he has
seen since he came to Kilmarnock. When travelling
over the country in the way of business, I have often
made inquiries about marking spirits as goods, and I
have not been able to discover it. For many years I
travelled Ayrshire regularly, and since then I have
occasionally been in Dumfriesshire, Wigtownshire, and
Kirkcudbrightshire, with other parties, and have very
seldom seen any evasion of the law. There are black
sheep in every flock, and there may be some parties
who evade the law, but it is not a common thing. We
had two cases tried in Kilmarnock lately. One party, a
grocer, provision, and cheese merchant, sold a cheese
to a friend; the friend was going to a distance, and he
asked for a pint of porter, which the merchant gave him
in his cheese store. He was brought up and convicted,
but he has since appealed, on the ground that he was
not trafficking for profit. Only last week we had a case
of a grocer, who was agent for Messrs Gilbey and Sons,
who had two friends in to whom he showed some
samples. They bought before they went out; but the
party was brought up and fined. The magistrates had
some difficulty in coming to a conclusion, and I believe
they applied to the stipendiary in Glasgow for his opinion;
but since then our association have taken the opinion of
one of the most eminent counsel in Edinburgh, and his
view is that a *bona fide* showing of samples for the pur-
pose of sale is not an evasion of the Act, in the strict
sense of the law. Many of us are both wholesale and
retail dealers. We get a wholesale licence from Govern-
ment to enable us to sell any quantity above two gallons,
and we have a retail licence for smaller quantities. We
will find it a great hardship if, when a gentleman comes
in wishing to see the quality of our goods, we are not
to be allowed to show him a sample, although perhaps
it may, in some cases, be an evasion of the law. With
regard to fixing the number of licences according to
population, that is a thing that in many places would
never do. For instance, at such places as Bridge of
Allan, and Moffat and Callander, where there are num-

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Wm. Wallace
Curstairs;
A. Thomson.

bers of people in the summer time, you could hardly limit the licences to a certain number. I would say the same thing with regard to fixing a limit of rental. A shop in a small place would never bring the same rent as a shop in a large town, and there would be differences even in different parts of the same town. A shop in the west end of Glasgow, for instance, would bring a different rent from one in the heart of the city.

5751. I don't say that it is a thing that is likely to be recommended or enacted; but, as you say, in places of ordinary resort it would be difficult to fix the number of licensed houses according to the population. But there is another basis, is there not, in the number of houses?—Possibly there might be; but there would be a difficulty there too. In the Ballantrae district, for instance, there is usually a population of some 500 or 600; during the fishing season last year there was a couple of thousand. Where you have a floating population of that extent, how are you to regulate the number? It is virtually conferring a monopoly on the very few who may be left in possession of the licences.

5752. But that same argument would rather go against there being any refusing of licences at all, because whenever licenses are refused, it will always give something like a monopoly to the present holders, will it not?—To a certain extent it will, but the tendency for some time has been rather to reduce the number than to increase it.

5753. And the effect of that is to give a valuable power to one trader, and to refuse it to another?—I don't exactly see that. Then, with regard to the grocers, I can only say that so far as I am concerned, or have found in doing business in many places, they usually buy a superior article to what we find in many public houses, more particularly in brandy and things of that kind. They wish to go in for the best brands, and give a price for them, when many publichouses take an inferior article. I have no wish to depreciate publichouses, because I do business with them all; but I say that many of them would rather go in for some of the inferior qualities, so as to get a greater profit out of them. Then with regard to hawking spirits, that is a thing we have never heard of in Ayrshire at all. The only other remark I wish to make is with regard to the hours of shutting and opening. In Kilmarnock the grocers as a rule, shut at 7 in the evening, and at 9 on Saturdays. We have always done that, and we don't think there is any necessity to make any further restriction so far as that is concerned. With regard to people coming in at night for goods, many of the best families in town will send to you at the last moment on Saturday night for things which have been forgotten. And then as the workmen have got shorter hours on Saturdays, they will go away to the country with their wives and families in the afternoon, and probably come in about eight or nine o'clock at night to make their purchases. With regard to the drunken habits of women, which I observe have been spoken about several times at this Commission, I may say that from the reports of our police courts, it is evident that it is the same parties who are brought up week after week and year after year; so that twenty or thirty habitual drunkards may represent 400 or 500 convictions during the year. Another point which I have never seen mentioned before the Commission yet is this: people seem to think that the consumpt of whisky in Scotland is increasing. There has certainly been a large increase on the amount of duty which has been paid; but there is a very large quantity of that whisky sent to England. I should not wonder if perhaps 1000 gallons a day leave Glasgow to go to England. With us there are 200 or 300 gallons a week. So that, probably, there are some millions of gallons sent out of Scotland in that way for consumption elsewhere, which are laid down to the drunken habits of the Scotch. Then doctors often recommend people to go to grocers' shops for their spirits, and I may say for myself that I have twenty or thirty small customers for one who would come in to the bottle system, although we are family grocers.

5754. *Sheriff Crichton*.—Would you have any objection to the sealed bottle?—That is not a thing that would do at all in country places. It might do in the west end

of Glasgow, but it would not do with us, no matter what was the size of the bottle. The people bring their bottles with them and get them filled; but in some places, especially among the poorer classes, they could not afford to buy a bottle.

5755. Even supposing it was made a gill bottle or a two-gill bottle?—They might afford to buy that; but many of them bring their own bottles and wish to see them filled.

5756. What sort of bottles do they bring?—Generally small flat bottles.

5757. What are known as gill and half-gill bottles?—Yes; and some have faucy bottles. The poorer class of people do not keep any stock in the house, but they send for the stuff whenever they want it. I have them coming sometimes half-a-dozen times a-day.

5758. *The Chairman*.—I suppose the good-will of a business in Kilmarnock commands a much better price if the licence goes with it?—I should say so.

5759. You can remember, perhaps, some businesses that have been sold of late years?—Yes; there was one sold lately. A licensed publichouse.

5760. Do you remember any cases of a licensed grocer's business being sold along with a 'good-will'?—There have been few cases of that kind, because, generally, the families continue them when a death occurs. *Mr Thomson*.—I bought one of the largest licensed grocers' shops in Kilmarnock about four years ago, and paid nothing for the good-will of it.

5761. Then you only bought the stock?—Yes; and the fittings at a valuation.

5762. We were told by the provost and superintendent of police, I think chiefly by the superintendent, that he is afraid there is a great deal of evasion of the law by the grocers in Kilmarnock, but that it is very difficult to know it. Of course it is not said that that is among the large family houses; nobody says that; but I understand you deny it altogether?—I think I should know about that just as well as the superintendent of police, because I am in the habit of calling frequently at these houses and seeing what is going on.

5763. Do you say that in your visits in the course of your business you never do see evasions of the law?—Not strictly speaking for the purpose of doing trade. I do sometimes see, when calling on a merchant, perhaps a half of brandy, or something of that sort going, the same as would take place with drapers; but, of course, these require to retire to the publichouse.

5764. Do you agree generally with what *Mr Carstairs* has said?—Yes. I think it would be a very great hardship to deprive the licensed grocers of the power of selling a less quantity than even a pint, more especially in country towns. It would curtail their sales very much.

5765. *Mr Campbell Swinton*.—I understand you to say that you do not deny that those instances of a man getting a glass, even given to him by a licensed grocer on his premises is a breach of the law, but you think it is a trifling one?—It is a very common thing, in travelling wholesale, for one merchant to show another his spirits, and to take his opinion upon their quality; and if it is a cold wet day, and you are calling on a grocer, a man is none the worse of a half of brandy or a half of whisky.

5766. I am not asking you whether a man is any the worse or the better of it, but whether it is a breach of the law? *Mr Carstairs* says it is the opinion of eminent counsel that if it is only done in the way of sample, it is not a breach of the law, but if it is done for refreshment, it is a breach of the law?—Well, I say it is not done to the extent that has been represented. I have called upon grocers in Glasgow and Ayrshire, and I have never seen it done to the extent that has been stated.

5767. Supposing that the opinion you have received from eminent counsel is correct, that giving a sample in a shop is not a breach of the law, would not that give rise to great evasion? Would not every man who wanted a dram, go in and say that he wanted a sample?—*Mr Carstairs*. It would remain with the Justices to say whether they believed it.

5768. It would be for the grocer to believe it in the first instance?—Yes; but it would be for the Justices,

if he was brought up, to say whether they thought it was a proper reason or not.

189. Mr ANDREW ANDERSON, examined.

5769. *The Chairman*.—You are a wine merchant in Kilmarnock?—Yes. I have been in business for thirty-four years.

5770. Do you agree with what Mr Carstairs has said?—No. I think it is a great advantage to a grocer that he has a licence. It gives him an advantage over other grocers who do not have a licence; and it also gives him an advantage over spirit-dealers who do not sell groceries. He gets more for his spirits than the spirit-dealer does. The licensed grocer very often gets 3s for the bottle of whisky, while in the regular trade with us it is 2s. 9d. and 2s. 6d. Perhaps the grocer's whisky has been longer kept.

5771. Perhaps that would be one reason why he charges more for it?—Yes; but the spirit-dealers generally make it their study to have a good old article also; they bond it, and put it past to suit their customers.

5772. Is the licence which you hold called a grocer's licence?—No; it is a publichouse licence.

5773. You do not sell groceries, but you sell spirits to be consumed on the premises?—Yes. I think the great amount of drinking that has been going on for a number of years back has arisen from grocers getting licences. People go into grocers' shops for their grocery goods, and they get whisky along with them. The Forbes M'Kenzie Act was one of the finest things that ever were introduced for the trade. We get closed at a regular time now; and I would say that 10 o'clock would be a late enough hour to keep open. I believe most of the publichouse keepers in our quarter would be glad to see the hour made 10 o'clock, and 11 o'clock on Saturdays. If grocers are to have licences at all, I would say let them have publichouse licences, and let them sell their groceries and other things in a different shop. That would be much better both for the publichouse dealer and for the victuallers, because the grocer would then contend with the publichouse dealer at his own price for the liquor, and with the victualler at his own price for his other goods; but when both things are done in the same shop, he can undersell his neighbour next door. By getting 3s. for a bottle of whisky, he can curtail his prices for other things, and sell them at less value.

5774. But according to what you have now said, the grocer is hardly underselling you, because he is charging a higher price?—Yes; but he can undersell his grocery goods, and in that way he has an advantage over the grocer who has no licence. It would be much better to let the grocers have a licence if they want it, and do away with their grocery goods.

5775. *Mr Ferguson*.—Have you any information as to women getting spirits at grocers' shops?—We see that too often—every day.

5776. And they are put down as something else?—No; I never saw that; but I think that grocers' licences have been the cause of so much drinking in Scotland, especially in Kilmarnock.

5777. *Mr Campbell Swinton*.—Do the women not go to publichouses too?—Yes; but we sometimes see them come in with baskets, and they are a little 'touched,' and we see quite well from their conversation where they have been and what they have been getting. I would keep the two trades apart; and I think it would be one of the justest things that ever was done to separate them.

190. Mr JOHN STEWART, Manager of the Phoenix Iron Works,
191. Mr THOMAS DOBSON, Manager, Whiteinch,
192. Mr JOHN W. ORMISTON, Manager, Shotts Iron Coy.,
193. Mr SIMON ROBERTSON, Manager at Wishaw,
194. Mr BRYCE, Barrhead.

} examined.

GLASGOW:

John Stewart;
Thomas Dobson;
John W. Ormiston;
Simon Robertson;
Mr Bryce.

5778. *The Chairman*.—I understand that you, Mr Ormiston, have got a statement which you are prepared to read to the Commission?—*W. Ormiston*.—Yes. [The witness then read the following statement]:—'I have for nineteen years been manager at Shotts; before that I was in the employ of Merry & Cunningham in Ayrshire. My opportunities have been very complete for observing the habits of workers in such places, and the operation of the licensing laws in so far as they are concerned. The Shotts Company employ from 2000 to 2500 men in their works. There will be from 600 to 800 here—ironworkers, miners, moulders, engineers, joiners, &c. We have coal as well as iron working. The general population about Shotts is of this kind. Within a radius of one mile of Shotts works there is a population of between 3000 and 4000, mostly dependent upon these works. There are two hotels and two publichouses in Stane, close to the works, and one hotel at Shotts station. Within a radius of a mile of Shotts works there are two grocers licensed; both of these are held by the Shotts Iron Company for their stores. With regard to the separation of trades I do not approve of that. I see no good reason for it. I have always considered that the grocers' licence is a good thing from a social stand point. The grocer sells better liquor; and it is well if liquor is to be sold that it should be of the best. Men cannot sit down and drink in grocers' shops. I know that at our store such a thing would not be permitted. It may be that in occasional cases men may buy liquor and drink it off at the door or in the road. But I think that it is much better so than that they should drink it in a tap-room. With regard to the consumption on grocers' premises, I have never heard any complaints on that subject; nor do I think that the practice exists. I do not doubt that a grocer may now and then have a little difficulty in enforcing the law in this matter, but if the shop is known to be orderly, the difficulty cannot be much. I may state that, during all my experience of nearly 35 years now as a manager of works, the practice of getting drink in these shops and having it marked down as goods has never come under my observation in a single instance.—'

5779. You are now speaking of the shops under your control?—Yes, only of those under our control. I have made particular inquiry at our store manager with reference to the same thing. He has been nearly twenty years in charge of our stores, and for ten years previous he was a salesman in licensed grocers, and his statement to me is, that during all that time he had only once been asked to do such a thing, and he had only known another instance of one of his assistants being asked to do anything of the kind.—'With regard to the proposed limitation of the sale to a quart bottle, that I think would not be of any avail. The quart would just be consumed in the general case at the time by those who could buy it, and the others would be driven to the publichouse where they would fuddle. A large portion of the drink sold by grocers is in small quantities, and frequently for medicine. There may be difficulties in working out the law, but I don't think these are greater than in other matters of police; and I am satisfied that it would be a mistake to deprive the grocers of their right to sell liquor, or to place any restriction upon them as to quantity.'

5780. I shall ask you a question directly; but I should like, in the meantime, to ask the other gentlemen whether they have any licensed houses in connection with their works? *Mr Stewart*.—We have nothing to do with any licensed house at the Phoenix Iron Works. The company there have no store nor any

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John Stewart; interest in any store. *Mr Dobson.*—There is no licensed store in connection with our works at Whiteinch.
Thomas *Mr Robertson.*—We have nothing of the kind at Wishaw. *Mr Bryce.*—We have nothing of the kind either.
Dobson;
John W.

Ormiston; 5781. Then, it seems, Mr Ormiston, that your company practically, as regards these shops, are licensed grocers?—*Mr Ormiston.*—Yes.
Simon
Robertson;
Mr Bryce.

5782. And, of course, they do not wish to have the trades separated, seeing that they are engaged in them to their own profit?—Quite so.

5783. I would ask whether the other gentlemen concur generally in the statement that has now been made?—The other witnesses all expressed their concurrence generally in the statement read by Mr Ormiston.

5784. *Mr Ferguson.*—Do you all approve of having the two trades combined?—*Mr Robertson.*—I approve of that particularly in the interest of the workmen. What Mr Ormiston evidently means in what he said about that is, that the company considered it to be better for the men that they (the company) should have the premises licensed, and that they really don't carry on these shops for profit, except in this way, that they get better conducted men, and they have more control over their men by having the places under their own control at which groceries and liquor are sold.

5785. *The Chairman.*—I think we must allow Mr Ormiston to speak for himself as to what he meant. I asked Mr Ormiston whether it was the case that his company derived a profit from the sale of these articles, and he said yes. I suppose they would not carry on the business if they did not make a profit from it. However, we are quite ready to hear what is your own opinion upon that matter?—*Mr Robertson.*—Then I concur with all that Mr Ormiston said. I think it would be a good thing to have licensed stores for workmen, such as miners and navvies. I can speak more particularly of boilermakers, and I think for the sake of such workmen it would be far better that every licensed house should provide food in some shape; that is to say, that licences should be only granted to hotels, restaurants, and grocers.

5786. This is probably a different branch of the question, but you said it would be very beneficial if no licences to sell drink on the premises were granted except in places where cooked food could be had?—Yes. That is my opinion, speaking in the interest of the navvies.

5787. As regards the question of the union of the grocery and liquor trades, why do you think it is an advantage that they should be sold in the same house?—I don't see that it would be an advantage to have them sold in the same house, except for the control that the general public coming into that house have over the house.

5788. But would the public not have a sufficient control so far as they exercise control over the shops they go into, if the drink was sold in one house and the provisions in another?—No; because there would not be so many customers coming into the drink department as into the victualling department. Then, if they go to the victualling department for their provisions, and if a man has another department in which he sells liquor, he simply gives them a line to go round to the liquor department, and in that way the same trade would be carried on, but without the healthy check that the presence of other customers would put upon it.

5789. Then do you think it is an advantage, and that it tends to the good conduct of the trade in liquor, that there are other customers coming to the shop who do not want liquor?—Yes, I think so.

5790. But you might, on the same principle, extend that considerably, might you not, and have the drink sold in the shoemaker's, and the baker's, and so on?—Certainly, the same principle would apply if it were convenient. That is simply a matter for you to judge; but I hold that the healthiest check that you can have on the sale of liquor is the presence of the general public, and there is no branch of trade that brings the general public so much into the shop as the grocery trade, because the wants that are supplied there are universal.

5791. Do you not think that there would be a corresponding disadvantage in the drink being brought before people who don't go in expressly to buy it, but who might thereby be induced to buy it?—I don't think so, I think that tendency would be counterbalanced by the other people who might be in the shop. If it were the case that some might be tempted to get drink by the mere sight of it, I think there would be others there who would be a check upon their doing so. They would be ashamed to do it before these other people.

5792. As the manager of a public work, is it not your wish that your men should get as little drink as possible?—Yes; and that is the reason why I think there should be licensed grocers, because the navy might be able to send for a pint of beer when he wanted it. We find great difficulty after a pay with navvies who may have a little money left after their spree is over, going away at midday for a pint of beer, and not returning the whole afternoon. They go to the publichouse and stay there, and spend their money upon drink; whereas if there was meat in the publichouse, the probability is that if they did spend their money it would do them some good.

5793. But what is to prevent them at present from sending to the grocer's for a pint of beer or from sending to the publichouse?—If they send for it, it is all right, but if a navy goes for it himself, he stays all the afternoon, losing the whole of the rest of the day, and perhaps disorganising the cutting.

5794. *Mr Ferguson.*—Does the navy go himself to the grocer in order to get a pint of beer when he wants it?—Some of them go themselves I know, but I know that the work suffers when they go to the publichouse for a pint of beer. That is their original errand; but the result is that they remain in the publichouse for the rest of the day.

5795. *Mr Campbell Swinton.*—If they want drink you would rather they went for it to a place where there would be no temptation or even permission for them to remain drinking more?—Just so.

5796. *Mr Ferguson.*—I think your opinion is based upon this, that the grocers would be a proper place for them to get liquor in rather than the publichouse; but then we have got nothing to do with publichouses in our inquiry. They must stand as they are, so far as we are concerned; but we want to know what your opinion is with regard to having grocers in addition to the publichouses?—I say that it is a pity to remove the chance from any navy of getting a pint of beer from the grocer's if he desires it, because you then give him no option, for he must go to the publichouse if you remove the licensed grocer.

5797. *The Chairman.*—You are now speaking of the advantage which is derived from the uniting of the trade in liquor with the trade in groceries; but suppose there was a licence granted to a dealer to sell liquor not to be consumed on the premises, and separate from the grocery trade, that would have the same effect, would it not?—Yes. It would have the same effect so far as the navvies are concerned.

5798. That, I think, is what you are pointing at; you don't necessarily want the liquor to be sold in the same shop with the groceries, but you like the principle of the grocer's licence?—That is so.

5799. Is there anything else which any of the other witnesses wish to say?—*Mr Dobson.*—I know that in Whiteinch, where I am situated, there were no licensed grocers a number of years ago, and we had a considerable amount of trouble with our men. I don't know whether it has been in consequence of licences having been given to the grocers or not, but I know that there has not been so much drunkenness there since as there was before.

5800. Have you any publichouses in Whiteinch?—Yes. There are five publichouses there now and one licensed grocer.

5801. Then all the cause for the diminution of drunkenness, so far as the number of licences is concerned, is in the institution of one licensed grocer?—No; I don't say that, but from what reason it arises I can't say, but

I know that there is not so much drunkenness there now as there was before.

5802. Do you know whether this grocer has a large trade in liquor?—Yes.

5803. Do you think that has had the effect of the men drinking more at home and less in the publichouse?—Yes; because when they go to the publichouse they fall in with company, and the men generally drink more when they go there than they originally intended to do.

5804. But do you know whether they have got into the habit of taking liquor home more and going to the publichouse less?—No, I cannot say that, but I know that the men generally stop a day or two off work at the pay, and they go to the publichouse and sit down there, and they fall into company and get induced to drink, and so remain off their work.

5805. What kind of works have you at Whiteinch?—Shipbuilding yards.

5806. They have not been so active lately as they used to be, and the men have been earning much less wages?—Yes.

5807. That would naturally lead to less drinking would it not?—Yes; but that has only been within the last two years or so. The diminution of drunkenness to which I have referred has taken place for even six or seven years back.

5808. I suppose the habits of the men have been getting better?—Yes; it may be partly owing to that.

5809. What kind of works are yours, Mr Bryce?—*Mr Bryce*.—Calico printing.

5810. Do you agree that the system of grocers' licences is a good one?—Yes. I certainly think it would be a great grievance to the grocer and also to the public if he was deprived of his licence.

5811. We are not concerned at present with how it would affect the grocer, or what grievance it might be to him. Our concern is more with regard to what its effect would be upon the public: what is your opinion about that as the manager of a large public work?—My experience is somewhat similar to Mr Dobson's; when men stop away from their work, you will generally find them in the publichouse. You will never find them drinking at home. I think that to deprive the grocer of his licence would have a tendency to make them drink more at home, and I think there would, in that way, be less drink taken, because it is very seldom that you find both husband and wife indulging in drink, and the one might have an influence over the other. I think the influence of the domestic circle would reduce the drinking customs of the country very much.

5812. *Mr Ferguson*.—You said just now that if they took away the licence from the grocer it would make the men drink at home. Is that what you mean?—No, I didn't mean to say that. If they took away the licence from the grocer it would be a great evil, but so long as the grocer has a licence it encourages drinking at home; they take it for medicinal purposes, or as an article of food, but when they drink at home they do not carry it to such excess as they do at the publichouse.

5813. We have got some curious variety of evidence upon that point. Can you tell me whether it is the habit of working men to take spirits along with their food, and especially to their dinner?—It is the habit of working men often enough, I daresay, to take beer to their dinner, or perhaps to treat a friend with it at night at home. I know that they buy it in large quantities for that purpose.

5814. *Mr Campbell Swinton*.—I suppose the extent to which they indulge in spirits depends a good deal on the nature of their work. What is the nature of your work?—Calico printing and engraving. It is principally engraving that I am connected with.

5815. *The Chairman*.—The men in the printing works are exposed to great heat, are they not?—Yes.

5816.—Then naturally they will be extremely thirsty when they get home?—They seem to be; I daresay their work would have that tendency.

5817. *Mr Ferguson*.—I suppose the men in your works generally go home to dinner?—Yes, as a rule they do, although some remain in the works. I observe that a

good deal has been said about grocers giving liquor and marking it in the book as food. I have never known a case of that kind, but I don't see that even if the practice is common it would mend it very much to deprive the grocer of his licence, because I know a good number of unlicensed grocers who sell money to their customers, and they can easily get drink in that way.

5818. *The Chairman*.—You mean that they lend money?—They not only lend money, but they sell it. They will charge thirteen pence for a shilling, and then the people can use that money for buying drink if they like.

5819. But your argument is that it is better that men should have the means of getting drink in a place where they are not allowed to consume it on the premises?—Yes, certainly.

5820. *Mr Campbell Swinton*.—You think it is better that they should take drink home and drink it there rather than that they should go to the publichouse, where they would be tempted to drink more than they would otherwise do?—Yes; that is my opinion.

5821. *Sheriff Crichton*.—Is there a large amount of spirits sold at the Shotts Iron Company's stores in the course of the year?—*Mr Ormiston*.—Yes, a good deal.

5822. Can you give us any idea of the quantity?—I can give the average of eight years. The money value of spirits and wines purchased was £2287.

5823. Was that sold in small quantities?—A great deal of it is sold in small quantities,—from half a gill upwards.

5824. Do the people get it away in closed vessels, or how do they get it away?—Very often in a tea-cup. The most of the wines and brandy that we sell are for medicine, and we have to keep the very best for that purpose. From half a gill upwards is the quantity they generally take.

5825. *Mr McLagan*.—Has there been a large increase in the consumption of spirits lately in your district?—During the time of the high wages, in the years 1873 and 1874, the consumption increased very much.

5826. Can you give us the percentage of the increase?—Yes. Taking the year 1870 as a normal year,—that is the year before the advance of wages,—and calling it 1, the year 1873 was 1·74, and the year 1874 was 2·17.

5827. Was that the highest year?—Yes.

5828. Was that the year the wages were highest?—Yes.

5829. Has there been a decrease since?—There has. In the year 1875 it was 1·72; in 1876 it was 1·378, and in 1877, for the year ending 30th June, it was 1·326. I may mention that the wages for the year 1877 are nearly exactly the same on the average as for the year 1870.

5830. Can you give us any idea as to the consumption of groceries during these same years?—I can give you the percentages of the consumption of butcher meat and of meal and flour.

5831. And bread?—Bread is included among provisions; I have not tabulated them. Taking the butcher meat, and taking the year 1870 as 1, the figures are:—In 1873, 1·597; 1874, 1·528; 1875, 1·576; 1876, 1·406; 1877, 1·339. Then if you take the meal and flour, and take the year 1870 as 1, the percentages are, in 1873, 1·164; 1874, 1·124; 1875, 1·137; 1876, 1·001; 1877, 1·001.

5832. Can you give us the percentages with regard to groceries?—I have not got these tabulated.

5833. *The Chairman*.—Is there any co-operative store in the neighbourhood of your works?—Yes. There is one in the village of Stane.

5834. Is it accessible to many of your men?—Yes.

5835. Is there any licence in connection with it?—I think not.

195. Mr GEORGE SIMPSON, examined.

5836. *The Chairman*.—You are a large coalmaster, and reside in Lauder Road, Edinburgh?—Yes. I am largely

GLASGOW.

—
John Stewart;
Thomas
Dobson;
John W.
Ormiston;
Simon
Robertson;
Mr Bryce.
—

George
Simpson.

GLASGOW.

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connected with mining operations in various parts of the country, employing a great number of workmen. I am a justice of peace for Lanarkshire, Linlithgowshire, and Fifeshire, and have had a great deal of experience in the licensing courts, especially in the Airdrie district of Lanarkshire. I am a member of the licensing committee of that district. The class of licences usually granted in the Airdrie court are hotels, publichouses, grocers, and porter and ale licences. Till within a few years a large number of hotel licences were granted, but latterly the evil effects of this became apparent, as it was found that such a licence in country districts was used merely as a cloak for Sunday selling. This was clear from the fact that, on examination, it was found that very few of these so-called hotels had the requisite bedroom accommodation for travellers, the sole object for which such licences are presumed to be granted. Licences of that class are now rarely given, and wherever opportunity offers through any irregularity, they are now invariably withdrawn, and a publichouse licence given instead. In one village where two such licences existed, I moved a few years ago, at the ordinary court, and carried a motion reducing both to publichouses, solely on the ground that they were not required. At one time grocers' licences were in favour as being thought rather a sort of innocent class of licence, but experience has proved that of all licences they are the most dangerous, and the feeling with the majority in the Airdrie court is against them. Last year I moved a motion, which was carried unanimously, giving one holder of a grocer's licence a publichouse one instead. The objections I have to grocers' licences are:—1st, The facilities they give for obtaining drink in a clandestine way, and in a measure on credit, and sometimes through false entries in customers' pass-books, as I have had occasion repeatedly to notice when presiding at the Small Debt Court. 2d, The advantage a holder of such a licence has over his competitor in the grocery business; the argument is constantly used by applicants that unless they get a licence they cannot compete with their licensed competitors. The argument is a very strong one, and is, I believe, the cause of such a number of these licences being granted. 3rd, The advantage the licensed grocer has over his competitor holding a publichouse licence, the latter having to keep up a separate establishment. The remedy I would propose for these evils is entirely to separate licences for spirits from the grocery business. Any remedy, such as selling in sealed bottles, is trifling with the question. To present holders of grocers' licences I would give the option of continuing the business, but in a separate shop for a few years, and at 100 yards apart, no transfers during that time to be allowed, and in future no licence to be granted to any one carrying on the grocery business. Objections have been stated to this course, that it would cause inconvenience to parties who prefer to have their liquor where they get their groceries, and that a lady would not care to stop her carriage at a publichouse door to order her wines, which she does in the case of the licensed grocer. If such is generally the feeling in the upper classes, it brings out clearly the enormous pull the licensed grocer has over his unlicensed competitor. In dealing with this question it must, however, be dealt with as a whole, and surely mere inconvenience even to a large portion of the community can never stand in the way of a remedy, through which, in my opinion, many a one would be saved to society. In connection with grocers' licences, I may state that a number of employers have, since the passing of the Truck Act, adopted the plan of renting one of their houses for the purpose of a store, and these in a number of cases have a grocer's licence. I know several cases where this is done with the view of keeping the drinking more under control, and not so much with view of profit. I think, however, that all such licences should be disallowed, and that no employer of labour should have, directly or indirectly, any connection with a house holding a licence.

5837. I would ask you whether your brother magistrates concur in the view that the grocers' licences are more objectionable now than they formerly were?

—The majority of the justices in the court are undoubtedly of that opinion.

5838. *Mr M'Lagan*.—Who is the chairman of your committee?—Captain Dixon, of Coats Ironworks.

5839. Is he also in favour of your view?—Yes; he is in favour of reducing the grocers' licences.

5840. *Mr Campbell Swinton*.—You told us that the reason why the managers preferred to have spirits sold in the stores was because it gave them the power to regulate the drink. Has it not that effect?—Undoubtedly; and I think that is one advantage, and a great advantage; but on the other hand, the whole moral support of the masters is done away with, so long as they have any connection with whisky selling, and that is the reason why I object to it.

5841. *The Chairman*.—I am requested to put this question to you: Are you aware that publichouse-keepers give credit to working men quite readily?—I am not aware.

5842. I am also requested to ask you if you know any actual instances of any one being lost to society through getting drink at the licensed grocers?—I am very sorry to say that I have known too many of them. On the general question, I have to state that my experience as a J.P., has induced me to go in for the policy of restricting the number. I know that many allege that restriction does no good, and that if people wish drink they will find ways and means of getting it. This may be true with confirmed drunkards, but for this class I think it hardly worth while to legislate, as a very few years will thin their ranks. What I would aim at is to keep temptation out of the way of the rising generation. The policy of no restriction is contrary to all commercial experience in other businesses. Competition in these foster trade, and the greater facilities induces business. A notable example of this we have in railway travelling, even on pleasure; and certainly in no business do facilities tell more on the increase of business than in the spirit trade. Surely the legislature of a country ought to aim at the uprearing of a sober and industrious people, and with this object in view, should keep temptation away from the rising generation, but in place of this, recruiting sergeants are dotted over in every district, and in the most likely corners in the shape of publichouses, with the effect at any rate, if not the aim, of yearly enlisting a host of young men and women into the drinkers' ranks. I would undoubtedly restrict the numbers, even at the risk of creating a great monopoly, so as to remove some of the temptations out of the way. I am strongly of opinion that the present system of granting licences is entirely wrong, and I would go in for the system of the legislature fixing the number in each district, or allowing the justices of peace in the different districts to do so, and put the licences up to public competition, the licence fee going into the public funds. And this improvement I would strongly press, viz., the fixing of an earlier hour for closing, giving the licensing court a discretion on the point.

5843. You say you would abolish the connection of the licence with the grocers; but would you approve of having a licence given separately from the grocery trade to dealers who were not grocers?—Yes. I would separate the businesses entirely, although I would, in the first instance, as I have said, give the present holders of grocers' licences an opportunity of retaining them for a period of years by having a separate establishment.

5844. *Mr Ferguson*.—And after that would you be against granting a spirit licence to a man who was a grocer?—Undoubtedly.

5845. Although he had a separate establishment?—Yes. I would go in for having the spirit licence pure and simple, in whatever shape you give it.

196. *Mr WILLIAM KIDSTON*, of Ferniegair, examined.

5846. *The Chairman*.—You have prepared a statement of your views on this matter, which you desire to submit to the Commission?—Yes. [The witness read the following statement]:—‘I am an acting justice of

the peace for the counties of Dumbarton and Lanark, and have been so for many years, and have taken a great interest in the question of licensing. I am not an abstainer, nor connected with any abstinence society, and never have been so. I am an office bearer of the Glasgow Association for the Defence and Improvement of the Public Houses (Scotland) Acts, whose views I represent in giving this evidence. It has been in existence for the last twenty years, and took some trouble in the preparation and carrying of Lords Mure and Kinnaid's Act, the Act of 1862, and I also took an interest in the Royal Commission upon the Scottish Licensing System, which commenced its sittings in August 1859, and ended, so far as I remember, about the beginning of November 1859. I also took some trouble in assisting to frame the Act of 1862, which was founded upon the report of the Commission, which report was presented by Her Majesty to Parliament about the beginning of 1860. The main object and cause of that inquiry by that Royal Commission were as follows:—The Act of 1853, commonly called the Forbes M'Kenzie Act, had become to a great extent a failure. The most important clauses in that Act were the taking away from magistrates and justices of the discretionary power to determine what shall be deemed reasonable hours, and fixing by statute what such hours should be—viz., 8 A.M. to 11 P.M. on week days, and not at all on Sundays, except in the case of hotels to lodgers and travellers. The Act of 1853, amongst other things, provided for double certificates, and authorised that licences should be granted to grocers for excisable liquors, not to be drunk on the premises. It divided licences into three classes—viz., hotels, publichouses, and grocers, instead of the former terms of common inns, alehouses, and victualling houses, which in reality means nothing, so far as I can see. Under the Act of 1828 there was only one form of certificate. This form of certificate could be given to any one they wished to give it to, but they could not give it to grocers to sell liquors not to be drunk on the premises. It was not till the Act of 1853 that magistrates and justices were able to do this, and the alteration was in itself an advantageous one, if not abused. This Act was efficacious for several years, but it was ultimately discovered to possess no adequate powers to protect the licensed from the unlicensed trader. The consequence was that both the publicans and the public were dissatisfied with the Act, and the question then arose: Shall the whole of the licensed houses be opened again on Sunday and at midnight, or shall these restrictions continue, and at the same time ample powers be given to suppress illicit trading? The verdict of Scotland was in favour of this last view of the case, and the Act of 1862 was founded on that opinion. By the clauses of that Act, ample powers were given to suppress the most cunning shebeener, and the law became in consequence a living letter. Since that time fifteen years have elapsed, during which it was found that the Act had been so carefully framed, that it was found impossible to run a wheel barrow through it, much less the traditional coach-and-six. I am of opinion that, in framing a sumptuary law, the legislature cannot go a hair's-breadth further or faster than public opinion. I certainly feel much obliged to the Government for issuing this Grocers' Royal Commission, but suppose that no amended Act would likely be framed solely on the report of a Commission which had not been intrusted with power to inquire into and report on the whole subject. I believe that law in a free country, especially a sumptuary law must be an effect and not a cause. The mischief arising from going greatly and manifestly ahead of public opinion was seen in the effects following the introduction of such a bill a few years ago by the late Home Secretary, Mr Bruce. The terms of this bill were manifestly ahead of public opinion, the state of which they could only guess at, not being in possession of the results of a report by a Royal Commission on the subject, and the important results which flowed from the introduction of that unfortunate measure are

known to all the initiated. Instead, therefore, of advancing the cause of licence reform, it seems to me that it threw the solution of this difficult question some years backward. I would like the Commission to understand, that I give evidence under this Grocers' Commission on the clear footing, as far as I am concerned, that I hope it will be only the precursor to an extended and comprehensive inquiry, which will bring out the opinion of the people of Scotland on the whole question, previous to ultimate legislation on the subject. In regard to the present inquiry, without further preface, which I hope will not have been considered unnecessary in order to clear up the subject, I may say that I consider that there is no objection in principle, or expediency, in granting a licence to grocers to sell excisable liquors not to be drunk on the premises. If reference, however, is made to Home Drummond's Act, clause 7, it will be found that the law stands thus: "That the justices and magistrates shall grant certificates to such, and so many persons as the justices and magistrates, or the major part of them, shall think MEET and CONVENIENT;" the one term applying to an adequate number, and the other to a suitable character. In granting grocers' licences the magistrates and justices throughout the country, as a rule, seem to me to have forgotten that they were only to license such and so many grocers (as well as publichouses and hotels) as was "meet and convenient." Previous to the passing of the Forbes M'Kenzie Act in 1853, the report of the Parliamentary Committee was as follows:—"That the facility with which licences are granted is the main cause of their excessive number and indiscriminate character." Grocers' licences have in many places been granted in excessive numbers, and apparently somewhat on the footing that every person who sets up a grocer's shop was *ipso facto* entitled to sell intoxicating liquors. Great mischief has arisen from granting grocers' licences on this erroneous footing; and it seems to me that if it was to be laid down as a principle that every person who sets up a grocer's shop is to be entitled to receive a licence to sell intoxicating liquors, the better alternative would in my opinion then be the total and entire suppression of the grocers' certificates. The remedy for the present evil, it seems to me, would be to enact that grocers' licences shall never be more than one-sixth part of the aggregate number of hotels and publichouses; and also that grocers who receive a licence to sell intoxicating liquors should be handicapped in such a way as to enable the unlicensed grocer to make a fair and reasonable living. In regard to the first point, I say a sixth, because where the spirit and letter of the Acts have been carried out—that is to say, where no more grocers' licences than is "meet and convenient" have been granted—the proportion will be found to be a fifth or sixth of the number of publichouses and hotels; and with this number the intention of the legislature, in giving a grocer's certificate, can be carried out without abuse. Of course, if I were asked what were the principal amendments required on Lords Mure and Kinnaid's Act, I would say: *First*, a further limitation of the hours of opening and closing; and, *second*, the depriving magistrates and justices of their present discretionary power to grant licences to such and so many persons as they shall think meet and convenient, and instead of this fixing the number by statute; in the same way as they were deprived of the right of fixing what shall be deemed reasonable hours for opening and of closing licensed houses. In revising the conditions of grocers' certificates, the following restrictions, it appears to me, should be made:—*First*, Grocers should not open their premises before 8 A.M. for any purpose whatever, and should shut them in the same way at 8 P.M., even on Saturdays. *Second*, All excisable liquors should be sold by grocers in corked and sealed bottles, containing not less than one reputed pint, or else in barrels. *Third*, It should not be lawful for any person whatever to live on the licensed premises, or in the tenement within which the same are situated, or be within the licensed premises after the closing

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'hour, and on till the next opening hour. *Fourth*, Grocers must not carry on, or be concerned anywhere in, a pawnbroker's business. *Fifth*, Grocers should not have any interest in any publichouse in the same burgh or county. *Sixth*, Grocers should not sell to be drunk at their door-step, or in any close, stair, court, or public place, near, or within a hundred yards, of their premises. *Seventh*, It should not be lawful for licensed grocers to sell, supply, give out, or deliver excisable liquors to any child under fourteen years of age, on any pretext, whether as messenger for parents, and others, or otherwise. *Eighth*, No action shall be competent for the price of liquors supplied to wives or females. In connection with these proposed restrictions, it appears to me that in the same way that persons found in a shebeen are liable to punishment, and persons falsely representing themselves to be travellers are liable to fine or imprisonment, so persons found drinking in a grocer's shop, or at the door-step or immediate neighbourhood, should be also liable to punishment. This would at any rate be a very effectual method of stopping the practice.—'

5847. In connection with this part of the subject, I should like to ask you the question: Why do you think that grocers ought to be obliged to close earlier than the publichouses?—For this reason, that a grocer may open and does open now at 6, and 5, and 4 if he likes. He shuts his door, but the windows are open, and he says he is preparing his goods for going out, and doing other things in connection with his business.

5848. I quite understand why he should not open before the publichouses, but why should he close earlier?—On this ground, that at present he may keep open till 2 in the morning if he likes, if he is selling tea and sugar, or professing to sell tea and sugar, but he is selling spirits.

5849. That does not meet my question at all, why he should close earlier than the publichouses?—I think that if you are to give a grocer's licence to a man at all, his business ought to be over by 8 o'clock. If he wants to have a licence, which gives him an advantage over the man who does not have it, he must submit to some restriction. The grocer who has not a licence may keep open till 10 or 11, and he ought to be allowed to do so; but I do not wish to give everything to the person who has a licence, because I think he should only have such privileges as would give the other fair play.

5850. But all that you have said is no answer to my question. I asked you why the licensed grocer should have to close earlier than the publican?—Just because I consider it is for the moral well-being of the community that the grocer, if he is to get a licence at all, should close at that time.

5851. That he should close earlier than the publican?—Yes, certainly, two hours earlier; the two trades are quite different.—'As far as hawking and shebeening are concerned, it seems to me there should be no difficulty, by the present law, in detecting and punishing, these two offences. By the latest Act, viz., the Publicans' Certificates Act, 1876, table beer licences are made subject to a magistrate's certificate, and steamboats ought to be put in the same manner under a magistrate's certificate. These steamboat licences at present are granted by the Excise, with this restriction,—that liquor can only be supplied when the vessel is actually in motion. Under the present Act (1862), all vested interests in a licensed house have been taken away, because every house not licensed at the time of making application is declared to be a new house; that is to say, if the licence has been discontinued for any time, it is held to be a new house. In estimating the relative number of licensed houses in Glasgow at one period as compared with another, it is necessary to keep in mind that in 1858 the total rental of every description of licensed houses, according to the police report, was £60,000; whereas, in 1876, the rental was £160,000. The relative dimensions must be taken into view in estimating the relative number of licensed houses in 1858 and in 1876. Besides this, I may mention that some of the publichouses licensed in 1876 are, in my opinion, equal in point of

'dimensions and counter room to eight or ten publichouses such as were licensed in former times. I believe there is no doubt that grocers did sell, and still sell, excisable liquors to be drunk on the premises in defiance of the law. Some years after the passing of the Act of 1862 I went as part of a deputation to the towns of Stirling and Falkirk. I was told in Stirling by the police and magistrates that none of the grocers sold to be drunk on the premises, and it was recommended that our deputation should go through the grocers and see for themselves. We accordingly called, in the first instance, at a large grocer's premises in Stirling with double windows, and asked if we could get spirits, and were shown into a back apartment. We called for liquor, and afterwards asked the landlord to show us his certificate, and pointed out to him that he was laying himself open to a penalty by selling to be drunk on the premises. His reply was: "Everybody does that here; all the licensed grocers sell to be drunk on the premises;" which we found on inquiry to be the case. The conclusion we came to was, that a more strict police supervision and inspection would be absolutely necessary, and perhaps, in order effectually to make detections for breach of certificate, that a separate police, with a head inspector, would be necessary in certain places instead of trusting to the ordinary police. It seemed to us at the time that the Commissioners of supply in counties, from motives of economy, had not a sufficient number of police to enforce the provisions of the Act. I notice that some persons do not seem to know the meaning of the words "give out" contained in the certificate. These were inserted in order to avoid the necessity to proving a sale, which is often all but impossible. I notice also that some of the witnesses have suggested that publichouses, without permission to be drunk on the premises, should be substituted for the existing grocers' shops. If the whole of the present grocers' premises were converted into such shops, it would be an unmitigated evil, and certainly promote drunkenness to a much greater extent than under the present arrangement. A publichouse pays better than a grocer's shop, and persons in Glasgow, and in the Lower Ward of Lanarkshire, frequently ask for a grocer's licence merely as a stepping-stone to get a publichouse licence. This is demonstrated by the fact of their applying for a publichouse certificate at the very next meeting. I have been informed that the special reasons for issuing a Royal Commission in regard to grocers in England, arose from the fact that an Act had been recently passed permitting grocers to sell excisable liquors by authority of the Excise without the necessity of a magistrate's certificate, which would of course tend to multiply such houses indefinitely, in the same manner as when the Excise in England were authorised to give licences to beerhouses without a magistrate's certificate. All my experience shows that drunkenness and crime are in exact proportion to the number of publichouses, and that in this particular traffic it would seem that the supply creates the demand; and that the craving for drink is inflamed and extended by excessive temptation to drink. If we are to get rid of the importunity of landlords, and if the moral well-being of the community is not to be made to give way to the private pecuniary interest of those who profit by drinking and drunkenness, then what would cure this evil influence, though it may seem a strong remedy, would be that licensed houses should be valued at what they would bring as a stationer's or bookseller's shop, and the surplus rent paid into the poor-rates. In regard to the grocers, I omitted to mention that it would be necessary that the same power given to the police to enter other houses should be applicable to grocers, and that the Act of 1862 should be amended in section 13, third line from the foot of the page, by making warrants to last "thirty days" instead of "eight days." Even suppose a law was passed, such as I have alluded to, to enforce that licences should be granted in Glasgow only in the proportion of one to 500 of the population, this could not be carried into effect without an alteration

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'of the transfer law, as the only practicable way the number could be reduced would be by convictions. It could never be supposed that licences would be arbitrarily reduced *per saltum* to any particular number. There is one other thing I consider it necessary to mention, that the present licence duty will be found in clause 8 of the Act of 1853. It will be seen there that the *ad valorem* duty does not extend beyond houses of £50 rent, and as there are many publichouses of even more than £400 of rent, the persons occupying such extensive premises actually in effect carry on seven shops without any duty at all; this should, in common fairness, be altered, and the *ad valorem* duty extended to the present rental of such shops. I do not wish this to interfere with the opinion I have expressed that there should be a maximum as well as a minimum size of publichouses.'—

5852. *Mr Campbell Swinton*.—Do you apply that to grocers too?—No; I don't think it would be necessary with regard to grocers. I think a minimum would be sufficient with regard to them.—'I notice that the magistrates have been asked whether they have been setting themselves as far as possible to reduce the number of licensed houses. It appears to me that they have no power to reduce the number without acting in such an arbitrary manner as would not be supported by public opinion. The only way they could satisfactorily reduce them is by convictions, and these are difficult to obtain. Licences might be refused on account of death and removal, but even this would be difficult to do without the magistrates subjecting themselves to a charge of hardship by some portion of the public. I notice a witness was asked: "In your opinion may not a certain hardship be inflicted upon a tradesman in the grocery trade, where a licence to sell excisable liquors is granted to his neighbour and he is refused it?" People speak of the liberty of the subject, but in my opinion there is no such thing in existence, if by this is meant that every person in a community has a right to do whatever he or she pleases. By the Act of 1862 one subject has just as much liberty to object to the granting of a new certificate as any other subject has to ask for it. All true liberty must be founded on restraint, and the moral well-being of the community must be paramount to the private pecuniary interests of any class of individuals, at all events to the extent to which such procedure is supported by general public opinion. There are three courses which might be taken by the legislature:—1. They might allow entire free trade in selling intoxicating liquors without any police regulations or restrictions of any kind. 2. They might consider it a lawful trade, but at the same time an extremely dangerous one, which it is absolutely necessary for the public interest should be strictly controlled and limited at all events to the extent to which public opinion will support such restrictions, and this on the ground that drunkenness is the cause of the greater part of the crime and pauperism of the country. It is certainly a remarkable fact, and difficult to account for, that every thirteenth or fourteenth person carries a pauper on his back. If this fearful result does not arise from drunkenness, it is difficult to assign any other adequate cause. 3. They might suppress entirely the trade in intoxicating liquors. As we all know, it is the second of these alternatives which the British Government have adopted. There is no doubt that drunkenness is a national vice; but how to cure it is the most difficult problem to solve, and social are far more difficult than political problems. Legislation can do something towards solving this problem; but, obviously, cannot do everything in effecting its solution. Numerous ways and means, and a great variety of counteracting influences, must also be put into operation to effect this desirable object. As I have said in another part of the evidence, an alteration in the transfer clauses will perhaps require to be made. These are contained in the Act of 1828, commonly called Home Drummond's Act, and have never been altered or amended since that date. It will be observed that if the Government continues to

'adopt, as they have done, the second of the courses which I have indicated, this means that they thereby take the granting of licences to hotels, publichouses, and grocers' shops altogether out of the category of free trade. In other words, they create adversely a monopoly *pro tanto*, and for the public benefit; but, as I have said, this monopoly need not be of an unnecessary character, and therefore I think there should be a maximum rent, and size, for licensed houses as well as a minimum. It would be an unnecessary monopoly to grant in effect five grocery or ten public-house licences to one man, by allowing him to have licensed premises of enormous dimensions, recipients of which in Glasgow have sometimes been called "whisky kings." Trafficking in publichouses should be put a stop to. Such a practice is in reality contrary to the letter of the law, as the magistrates and justices are called upon to license such and so many persons to KEEP (not to buy or sell) a grocer's shop, hotel, or publichouse. Grocers in the county of Dumbarton send out vans professedly to supply orders which they had received at their shops, but formerly to a certain extent hawked excisable liquors to servants, gardeners, tradesmen, &c.; but when it was represented to these grocers that this practice was contrary to the law, and subjected them to penalties provided in the Act of 1862 against hawking, the illegal practice was discontinued. Whether it has been discontinued in every county I do not know. I don't think it has. It is not very easy to exhaust this extensive subject at a single sitting, but I will conclude at present by saying that it is not very pleasant to see school girls, with their books in their hands, going into confectioners' shops and drinking wine off the counter in the forenoon; but as these confectioners' shops hold public-house licences the practice is not contrary to statute law, and can only be prevented by the force of public opinion, if their parents don't choose to do so themselves.'

5853. *The Chairman*.—The statement you have now read puts your evidence so tersely and so exhaustively before us that I really don't think we have any questions to ask you?—I have taken some memoranda of statements which have been made by Mr M'Laren and others to which I desired to call your attention. I think I could mention a number of points on which they have been mistaken; but if it is inconvenient for you to go into these matters at present, seeing you have so much business before you, I may perhaps be allowed to put them in writing and submit them to you, and you can make any use of them you think proper.

197. Mr ROBERT BRUCE, examined.

5854. *The Chairman*.—You are a paper manufacturer in Glasgow, and you were formerly provost of Hillhead for six years?—Yes.

5855. What is the population of Hillhead?—The population this year is about 8000, with a rental of £71,644. There are no shops in the district to the west of Hillhead, and none for a considerable distance to the right and left of it, although there is a pretty large population there; the population in the district that has no shops, including Hillhead, will amount to about 15,000 or 16,000. There is only one publichouse in Hillhead, a small house which has been in existence for from twenty to thirty years. There are now twelve licensed grocers, and one only who is unlicensed, besides a branch of the General Supply Association, which also has no licence, so that there may be said to be two unlicensed places in Hillhead. The Supply Association, however, have a licence for their place in Glasgow, and they can supply orders from Hillhead at their Glasgow place. The grocers open at 8 o'clock in the morning, and the majority of them close at 7 in the evening, but all are closed by 8, and on Saturdays from 9 to 10. That is done without any restriction from the magistrates,

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5856. Then what you attach value to is the drink being taken away and not consumed on the premises?—Yes.

5857. There is no particular virtue in the union of the licence with the grocer's business so long as that condition is kept?—No.

5858. Do you think there is any disadvantage, on the other hand, through the grocer holding a licence?—I don't see any, for this reason, that if you had separate places where families went to be supplied with liquor they would go there for that, and for that alone, and there would be a sort of association that one going to buy, and another going to buy, they would all be on an equality, whereas in a respectable grocer's shop they have the eyes of all the other people who are there upon them.

5859. I don't quite understand what you say would be the effect of people going to buy spirits from some one who did not sell groceries?—The effect would be that they would be all there for one purpose, and that would be very apt to lead to association for drinking, and going perhaps to other places to drink afterwards, whereas to a grocer's shop a servant may be sent with an order and such like, and there are so many people looking on that there is no temptation to go in for drink. If there was nothing but drink in the place there might be a temptation of that kind.

5860. Why should people be more inclined to go to drink together because they go to buy a bottle of whisky at a separate shop instead of buying it at a grocer's?—Because there are generally a few present who are not buying spirits, and it acts as a deterrent upon them.

5861. You don't think that people are sometimes induced to buy whisky when they don't want it, from its being in their way at the grocer's?—I don't think it.

5862. I am putting that to you, because so many people say it?—I don't think that would be the case, so far as my experience has gone. Of course we are virtually obeying what I think should be the law, that no grocer should be open after 8 or before it.

5863. And you have no reason to think that the law is broken in any way by the licensed grocers in your burgh?—I don't think so.

5864. Have you your own police?—We are a special district of the county police of Lanarkshire. We have a force of about 24 men, I think.

5865. Do the magistrates expect them to look after the licensed houses?—Strictly. Indeed, we have a great difficulty in having any drunk and disorderly cases before the magistrates except persons who are strangers to the burgh.

5866. *Sheriff Crichton*.—Hillhead is a highly respectable locality?—It is a highly respectable locality. There are a great number of people living in houses of two, three, and four rooms in one district of it, but in other districts there are some of the first houses in the town.

198. Mr DANIEL ANDERSON, Partick,
199. Mr M'LEAN, Partick,
200. Mr STIRSAT, Port Glasgow, } examined.

5867. *The Chairman*.—You have a statement, Mr Anderson which you desire to read to the Commission?—*Mr Anderson*.—Yes. 'I am a foreman joiner and 'house-factor in the employment of Bailie Kennedy, 'railway contractor, Partick, and residing at 40 'Hyndland Street, Partick. I have been in Mr 'Kennedy's employment for eighteen years. He 'employs from 100 to 200 men, according to the work 'we have on hand. I have sometimes as many as 20 'joiners under me. My factorage of properties embraces 'about 300 families, most working people. Many of 'these pay monthly, some quarterly, and some half 'yearly. I collect the rents, and I get payment 'generally from the wives. I never saw any of these 'people's wives the worse of drink. The husbands are 'of the artisan class almost wholly. I think that the 'greater number of these deal in licensed grocers'. I 'have never heard complaints either from our workmen 'or tenants about grocers ever giving drink to be consumed on the premises, or of marking drink as 'groceries. There is a good deal of drunkenness in 'Partick among the lower class, the labouring class, 'but I rather think these are those who frequent and 'get their drink in the publichouse. I know from my 'own experience in Partick that decent tradesmen's 'wives prefer to get home supplies from a licensed 'grocer. I think it would not be for the good of the 'working classes if they were compelled to buy a quart 'bottle of whisky or brandy every time they required 'supplies, or to go or send to a publichouse for it. I 'do not think it would be any benefit to separate the 'trade.'

5868. What are you, Mr M'Lean?—*Mr M'Lean*.—I am foreman in the employment of Messrs D. & W. Henderson, shipbuilders.

5869. Do you agree with Mr Anderson's statement?—Yes, generally I do.

5870. What are you, Mr Stirrat?—*Mr Stirrat*.—I am foreman joiner with John Reid & Co., ship-builders, Port-Glasgow.

5871. Do you also agree generally with Mr Anderson's statement?—Yes.

5872. *Mr Campbell Swinton*.—In short, your great object is to keep the men in your employment out of the publichouse?—*Mr Anderson*.—It is sometimes difficult to do that.

5873. You think that a less evil arises from their occasionally getting drink, even if they do get too much, at home, than from their getting into habits of going to the publichouse?—Yes. So far as my experience goes, I think there is more drinking carried on in the publichouse than there is in the grocer's shop. I never saw anything of that kind carried on by respectable grocers.

5874. I am not speaking of that, but of the drunkenness it may possibly lead to at home. You would rather run the risk of men getting too much to take home than habitually going to publichouses?—But they get drink in the publichouses to take home with them as well as in the grocers' shops.

5875. *Mr M'Lagan*.—When you spoke of objecting to the separation of the grocer's licence from the sale of groceries, did you suppose that there would be no other licensed houses than publichouses?—No; I did not suppose that.

5876. Supposing the licence was given to another party instead of to a grocer to sell excisable liquors to be consumed off the premises, do you think the same evils would arise then and would you have the same objections to the separation of the licence from the grocers?—Yes; I think there would be.

5877. Although the men would get the drink in the same way and take it home?—Yes.

5878. Do you, Mr M'Lean, agree with the former witness that the grocer's licence should not be taken from the grocer?—*Mr M'Lean*.—Yes.

5879. And I presume the reason why you object to that is that there would only be a publichouse licence

left, and that the men would be obliged to go for their drink to the publichouse?—Yes.

5880. Suppose that instead of that the licence which the grocer now holds was given to another man or to the grocer himself, and he not allowed to sell groceries, but merely to sell excisable liquors to be consumed off the premises, would you object to that?—Yes.

5881. Why?—Because I would rather have the grocers to sell them. The grocers that we have are a most respectable class of men.

5882. *Mr Ferguson*.—But *Mr M'Lagan* supposes that the other class of men would be equally respectable with your most respectable grocers?—I don't know about that. That would have to be tested.

5883. *Mr M'Lagan*.—Suppose the very man who has the grocer's licence now should cease to be a grocer, and should get the licence to sell excisable liquors to be consumed off the premises, what would you say?—That would be a different case altogether.

5884. Do you see any objection to that?—None, so long as you do not take the grocer's licence from him.

5885. And you think that would be quite as good a way for the working man to get his spirits or his excisable liquors to be consumed at home as if he got them from a grocer's where groceries were sold?—I believe it would not.

5886. Do you agree with that, *Mr Stirrat*?—*Mr Stirrat*.—I would be inclined still to have the licensed grocer.

5887. You think the licensed grocer would be better?—Yes.

5888. Why?—Because I think it is more of a family connection, and it would be less trouble. It would be only the going to one place; whereas in the other way you would require to go to the grocer and you would require to go to the spirit-merchant.

5889. Is that your only reason?—Yes.

5890. *The Chairman*.—I suppose you find that the grocery business is very well conducted in your neighbourhood?—Yes. The grocers beside us are all respectable men. We have about nine or ten very respectable licensed grocers, and they carry on their trade according to the spirit of the Act to the utmost. There is no place about their premises where spirits could be consumed, so far as I know.

201. *Mr WILLIAM TAYLOR, Glasgow.* }
202. *Mr DUGALD BUTLER, Glasgow,* } examined

5891. *The Chairman*.—I understand you have prepared a statement, *Mr Taylor*, which you desire to read to the Commission?—*Mr Taylor*.—Yes. [The witness read the following statement] :—‘ I am manager of the General Supply Association (Limited), 72 and 76 Bath Street, Glasgow. I have been five years manager, and I was previously a grocer without a licence. Our business is with the better class, and we only sell to members of the association. All our sales are for cash. We supply every kind of wine, spirits, beer, and liquors. We are never asked by any one to give drink to be consumed on the premises. We have a ladies' waiting-room, and if ladies wished it they might deem the presence of this room a fitting opportunity, but I can say it was never asked and never supplied. We do not sell groceries cheaper on account of having a licence. On the contrary, I have had it stated to me often, and I know that unlicensed grocers sell particular articles of groceries cheaper than licensed houses. Although we sell for cash it is frequently done in this way: Purchasers lodge say £5, sometimes £100. They get goods till that amount is exhausted. When they get goods an invoice is given and a duplicate kept, and the amount is credited to them in a pass-book, which is sent each time with the goods. I never was asked to mark spirits as groceries, and never did so. We sell nothing less than quart bottles of spirits. We sell wines in pints and quarts, and beer, &c., in pints mostly. We open at 9 o'clock in the morning and close at 6 o'clock in the evening, Saturdays excepted,

‘ on which day we close at 2 o'clock. We have a branch establishment at Hillhead, but there is no licence, and members of our association find it very inconvenient to have to send to our place in Glasgow for their home supplies of spirits, &c.’

5892. Have you ever applied for a licence for your Hillhead branch?—We did so, about four years ago; but the justices that year did not give any licences for Hillhead. They have done so since, but we have not applied again.

5893. You, *Mr Butler*, are manager of the Bridgeton Victualling Society?—*Mr Butler*.—Yes.

5894. Have you got a licence?—Yes.

5895. What have you to say?—Our business is carried on principally among the working classes, and it is a little different from *Mr Taylor's*. We open at 8 o'clock in the morning, and shut at half-past 7 at night, and on Saturdays at 10. Our members lodge with us a deposit of £3, and we give them credit to that amount. We are licensed, but the demand for liquor is not very great amongst our customers. They are principally the better class of working men, and we have many of them who never get spirits from us from the one year's end to the other, and who would not ask them except when the doctor comes to the house, and there is a child badly requiring a little gin or a little brandy. I think it would be a very hard case to compel these people to take a pint bottle of the liquor when a glass or half a glass would suit their purpose.

5896. *Mr M'Lagan*.—Don't you think that that difficulty could be overcome by the sale in small quantities, when it is wanted for medicine, if the messenger were to bring a doctor's certificate with him?—Yes.

5897. You would give the liquor on the production of that certificate?—Yes.

5898. And that would quite satisfy you?—Yes. I may say that we have held this licence for fifty years, and there has never been a single complaint against us.

203. *Mr ANDREW WAUCHOPE, examined.*

Andrew Wauchope.

5899. *The Chairman*.—You are, I believe, secretary to the Glasgow Wine, Spirit, and Beer Trade Association?—I am. I have been asked to come forward and make the statement that, although we do not purpose volunteering any evidence either for or against grocers' licences, we think we are in duty bound to our members to protest against any evidence that may have been advanced detrimental to the publichouse interest, seeing it is outside the Commission. The directors of the association passed a minute on this subject some time ago, and it will fully explain itself: ‘ Excerpt from minute of meeting of the directors of the Glasgow Wine, Spirit, and Beer Trade Association, held within the office of the association, 34 Dundas Street, Glasgow, upon Wednesday the 5th day of September 1877.—James M'William, Esq., president, in the chair. The Royal Commission recently appointed by Government to inquire into the working of the licensed grocers in Scotland, and the propriety of submitting evidence on behalf of the publichouse interest was fully considered. After due deliberation it was moved by *Mr John Scott*, seconded by *Mr Samuel Wellwood*, and unanimously agreed—“ That “ we, as an association, representing nine hundred “ proprietors of publichouses and hotels in Glasgow, “ take no active part in this inquiry, either for or “ against the licensed grocers' interest. Believing, as “ we do, that the scope of this Commission is strictly “ confined to that portion of the spirit trade, so far only “ as applicable to those holding licences for the sale of “ excisable liquors not to be consumed on the premises, “ we hereby repudiate, and do not acquiesce in any “ evidence that may be advanced by any witness, detrimental to the interests of the holders of publichouse “ or hotel certificates.” The object of our lodging that protest will be quite evident. It is because many statements have been advanced which we consider to

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be outside the scope of the Commission, so far as relating to the limitation of the hours of publichouses and other restrictions. Complaints were made to some of the directors that we were taking no part in the matter; but the minute explains our reason for not doing so.

James A.
Johnston;
Mr Baird;
Mr Burt;
Alexander
Thomson.

204. Rev. JAMES A. JOHNSTON, Springburn,
205. Rev. Mr BAIRD, Glasgow,
206. Councillor BURT, Glasgow,
207. Mr ALEXANDER THOMSON, merchant,
Glasgow, } examined.

5900. *The Chairman*.—I understand, Mr Johnston, you have some returns to lay before us?—*Rev. Mr Johnston*.—Yes. I have to put in the returns made by 501 ministers of Scotland in answer to queries which were sent to them. [Returns put in.] I have also to read the following abstract of these returns:—“Abstract of returns as to grocers’ licences obtained from ministers in Scotland, and presented to Royal Commission. These returns from 501 ministers of the gospel in Scotland have been obtained by a committee of citizens interested in the suppression of intemperance. In view of the inquiry now going on, said committee issued queries to about 2000 ministers in Scotland, including those in all the cities, large towns, and populous districts. In answer to these queries, and in the course of two weeks, 501 replies have been received from all quarters of Scotland, and from ministers of the various denominations. The queries were seven in number, and were as follows:—“1. What, in your opinion has been the effect of the present system of selling intoxicating liquors in small quantities in open vessels by grocers in Scotland as regards the drinking habits and morals of the people; and is it, or is it not, advisable to continue the present system? State any facts or reasons on which your opinion is founded. 2. Is the law evaded in many of the licensed grocers’ shops or not; and, as a matter of fact, in many cases are not excisable liquors sold in these shops for consumption on as well as off the premises? If this be answered affirmatively, state what proportion these shops bear to the whole licensed grocers’ shops within your district. 3. Whether in many of the licensed grocers’ shops it is or is it not the case that the sale of groceries is in many cases made a pretext only for the sale of intoxicating liquors on the premises, and that to the sale of these liquors the success and profits of the business are mainly owing? 4. Whether in your opinion an improvement might be anticipated were licensed grocers limited to the sale of spirits in quart bottles, corked and sealed, as in England, or even in pint bottles, corked and sealed. 5. Whether or not you think it would be desirable or expedient to shorten the existing hours for the sale of excisable liquors by grocers? State any facts or reasons for your opinion. 6. Is it within your knowledge to say whether drinking or tippling by women and young persons in Scotland is on the increase, and whether or not this is not to a great extent owing to the facilities given by grocers’ licences for the sale of alcoholic liquors in small quantities? If answer affirmative, state the class of women among whom the habit is increasing, and any facts or reasons which occur to you as being the cause of this growing evil. 7. Whether there does not exist in Scotland a general opinion that the sale of alcoholic liquors in shops where articles for domestic consumption are sold is objectionable?” Of the 501 returns, 114 do not give any definite reply to the questions. Sixty-four of these 114 assign as the reason for not giving a definite reply that they have no licensed grocers, and most of them no licensed house of any kind, in the parish or village, as the case may be; others of the 114 say that they have not sufficient knowledge of the subject to warrant their answering the questions. It is worthy of note that while some of the 64 who report that they have no licensed grocers express themselves as fortunate

in this respect, not one of them hints that the lack of such houses is regarded in the light of a grievance either by himself or the people, so that this class of returns may fairly be regarded as altogether against the existence of the grocer’s licence. In addition to the 114, 31 have sent letters assigning various reasons for not returning their schedules, but most of them express dissatisfaction with the grocer’s licence. These letters being regarded as private are not included in the returns now handed in. Of the 356 who have answered the queries in whole or in part, 284 affirm in answer to query No. 1, that the present system is bad and should not be continued. In answer to No. 2, 182 state that the law is more or less extensively violated by the selling of intoxicating liquors for consumption on the premises. In answer to No. 3, 127 give it as their opinion that in many cases the sale of groceries is a mere pretext for the sale of intoxicating liquors on the premises, or that to the profit on the spirits is mainly due the success of the business. In answer to No. 4, 252 are in favour of the grocer being prohibited from selling a smaller quantity than a quart or pint bottle corked and sealed as in England. In answer to No. 5, 184 are in favour of shortening the hours for the sale of intoxicating liquors. In answer to No. 6, 153 are of opinion that tippling by women and young persons of both sexes is on the increase, and while many ascribe this in part to the high wages and the temptations of the publichouse, most of them are of opinion that the increase, especially among women, is due in no small measure to the facilities afforded for secret drinking by the grocer’s licence. In answer to No. 7, 207 report that there is a general and growing opinion in Scotland that the sale of alcoholic liquors in shops where articles for domestic consumption are sold is objectionable. It should be stated here that many of those who declare for the sealed bottle and shorter hours are of opinion that these restrictions will accomplish very little good unless the hours of the publicans are also shortened, and that they would greatly prefer the entire abolition of the grocer’s licence. It is also proper to state that many of those who do not pronounce in favour of shorter hours, and the limitation to the sealed bottle, do not decline to do so on the ground that they are opposed to further restriction, but because they think these restrictions worthless as remedies for the existing evils. Another striking feature in the returns is the very small number who pronounce in favour of the continuance of the grocer’s licence. About a dozen declare for licensed grocers in preference to publichouses, and only a very small number of strictly negative answers are given to any of the questions. In the great majority of cases where the questions are not answered in the affirmative, there is either no answer given at all, or the want of information, or of an opinion on the subject, is assigned as a reason for not answering. Several of the returns direct attention to the great evil arising from the prevalence of grocers’ vans in which spirits are carried about and freely sold, and affirm that this practice is very demoralizing to the rural population, especially to females. Several of the returns assign as grounds of opposition to the grocer’s licence, that it affords special facilities for female drinking; that it presents strong temptation to wives, domestic servants, and young people who would not go themselves or send others to the publichouse for drink; that it fosters the delusion that alcoholic liquors are food; and that it subjects the unlicensed grocer to unfair competition with his licensed rival. Signed on behalf of committee.—JOHN BURT, Chairman of Committee; WM. JOHNSTON, Secretary of Committee.

5901. *Mr Campbell Swinton*.—How were the clergy selected to whom these schedules were to be sent? Were they sent just at random?—Not at random. The names were taken consecutively from the almanac, and included ministers of all denominations.

5902. And selected in different districts of the country?—Yes. I may state that, on looking over the returns, I find we have not returns from more than 100 temperance ministers. A considerable number of the most prominent temperance ministers have not sent in

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replies, so that the returns may be taken as very fairly representing the clerical opinion in Scotland, and it is very decidedly against the existence of grocers' licences. The chief reason why I was asked to present this memorial to the Commission was because I was cited to be examined as a witness, having given very special attention to this subject; and perhaps I may be allowed to read a short statement, which may to some extent save the time of the Commission. Before reading that statement however, I may make a remark with reference to the subject of the consumption of spirits in Scotland, which has been more than once referred to before the Commission; and having given the subject very careful consideration, I may state the result. In the five years ending in 1853, the average consumption of all kinds of spirits per head was 80 gills. In the five years ending in 1859, the average consumption per head was 59½ gills. Then in the five years ending in 1864, the average consumption per head was 51½ gills. In the five years ending in 1869, the average consumption per head was 59 gills. In the five years ending in 1874, the average consumption per head was 66½ gills, being 13½ gills per head less than in the five years preceding the passing of the Forbes M'Kenzie Act. I may say that 1854 is left out of this reckoning, as it was partly under the old and partly under the new law. The Act came into operation in the middle of 1854.

5903. *Mr Ferguson*.—Would you tell us where you have got these returns?—They are all taken from Parliamentary papers.

5904. Do you make any deduction for the amount of spirits that are duty paid in Scotland but are sent to England?—In the third report of the Commissioners of Inland Revenue the whole question as to the consumption in the three kingdoms respectively was carefully considered, and they made up the most correct statement that it was possible for them to do. And the returns have been continued since then, on the same principle.

5905. *Sheriff Crichton*.—Therefore, no confusion would arise from the amount of spirits taken to England?—Not the least. The only confusion that might arise would be in this way, that in the Parliamentary papers, we have the returns given for the actual year, while for one or two years I had to take the report of the Inland Revenue, which is from March to March.

5906. *Mr Ferguson*.—But we have been told to-day that very large quantities of whisky go from Glasgow and Kilmarnock and other towns to England, which are not entered separately, but which tend to increase the apparent consumption of whisky in Scotland. Can you tell us whether that is the case?—I think it is very likely to be the case, but that is so much the worse for Scotland. We get the credit of consuming much whisky which goes elsewhere.

5907. But if that is so, then your figures don't really tell us what the consumption in gills per head in Scotland really is?—Not to the fraction of a gill; but as the quantities sent from one country to another on which duty is paid, and of which Government takes no note is comparatively very small, it cannot greatly affect the result; and as the sending of these small quantities has been going on during the whole period to which my figures apply, it therefore makes no difference upon the respective periods of years.

5908. We have been told that that export of whisky to England has very much increased of late years. I don't wish to call your figures in question at all, but I should like very much if we could get true information on that subject.—There is no record taken of it, I think, in any of the Government books.

5909. What is said is, that Scotland gets credit for more drinking than it really deserves,—that, in fact, it gets credit for consuming all the whisky that is really taken into England. Can you give us any information about that?—The way in which the Inland Revenue make up their accounts is this:—They take the total amount of spirits distilled in Scotland on which duty is paid; then the quantity which is sent from England on which duty is paid and on which duty is

not paid; the quantity which comes from Ireland on which duty is paid and on which duty is not paid; and then the quantity that goes to England from Scotland duty paid, and the quantity that goes to Ireland duty paid, the quantity exported on drawback, and the quantity methylated. The result is that what is left is the quantity required for home consumption. On that subject I may be allowed to state, that I think it would be very important if Government were to give us more accurate statistics as to the consumption, if it is possible to give them, and especially as to the crime that is committed. Previous to 1868 an Act was passed for the express purpose of getting all the crime that was brought before our police courts tabulated and reported upon year by year. We have had a large number of these annual reports of judicial statistics, but except in the last report, which I have not seen, there is not the slightest reference to the crime of drunk and incapable or drunk and disorderly. In fact, you would not infer from these reports that there was any drunkenness in Scotland at all.

5910. *The Chairman*.—I may tell you that we have taken steps to obtain most accurate reports on these points. We will receive from the authorities of every town and county in Scotland a table showing the number of persons charged with drunkenness, and with being drunk when arrested, and so forth, for many years past; so that we shall have the fullest information on these matters from, I think, the most authentic sources.—I might say the same thing with reference to returns as to the number of licences. There have been a great many papers issued on that subject, but very often they are not made out on the same principle.

5911. I may also tell you that we are to receive information on that subject.—Then the statement which I have prepared and which I propose to read to the Commission is as follows:—'The grocer's licence is objectionable—First: Because it tends to degrade the public-house. It draws away the best class of customers, and thus removes the inducement to cultivate a respectable family trade; it subjects the publican to severe competition, and leads him, in many cases, to adopt questionable measures for securing a profit; and it hinders, in various ways, the application of such wholesome restrictions as it is admitted, on all hands, the traffic in intoxicating drink requires,—such as shutting at 10 or even an earlier hour on Saturday. Second: Because it subjects the unlicensed grocer to very unfair competition. The profit from the sale of drink is large, and there is scarcely such a thing as bad stock; hence the licensed grocer can and does undersell the grocer who has no licence. Unlicensed grocers have again and again spoken to me of this hardship; some have applied for the licence on the plea that they could not compete without it; and some have applied to prevent others getting it. I may mention that one day in the licensing court in Glasgow a grocer made application for a licence in Great Hamilton Street, and there were, I think, other five applications from the same street or the immediate neighbourhood made at the same time. It came out that these other applications were made not so much with the view of getting the licences of preventing their neighbour from succeeding in his application, knowing that it would subject them to unfair competition. The discretionary power of the licensing court to give or withhold a licence is here wholly out of place; and if the grocer's licence is to be continued, common justice will demand that, as in England, every applicant who complies with certain prescribed conditions shall receive a licence. It is against this state of things that the licensing authorities in England have so generally and strongly memorialized the Home Secretary, and yet this must be the result if the grocer's licence be continued. In that case we would have the licensed grocers tripled in Glasgow in a few years. This would not imply that publichouses would be diminished in number. Third: It greatly promotes drinking, especially among females. Many go to the grocer's shop for drink who would not go to the public-house. Some are induced to purchase it when at the shop for groceries. They get it on credit at the grocer's.

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' Sometimes it is marked as goods. I have inspected pass-books in which this has been done; and have known a number of females whose ruin is largely owing to the undue facilities furnished for the obtaining of drink in the grocer's shop. They would not have yielded to the craving, but for the temptation afforded to them there. Fourth: It has led to evasions of the law. One way in which that is done is by selling from vans in rural districts. I was minister at West Linton before I came to Springburn, and I knew about that practice there. Spirits are also sold by grocers for consumption on the premises. This is attested by commercial travellers, some of whom have spoken very strongly to me on this subject; tradesmen who have been working in shops; young men who have been in the shops; police officials, who have stated that they could not enforce the law in this respect; and persons who have been supplied with drink. It is difficult to detect and punish a grocer. Parties who could give evidence get their groceries in the shop and may be in the grocer's books; policemen are silenced; it may be in the same way; then the influence of tea-merchants, sugar-merchants, provision-merchants, and others may be brought to bear to prevent the licence being taken away. Fifth: The licence can scarcely be made safe. The quart bottle corked and sealed might lead to a large number of grocers giving up the licence, and in so far it would do good; it would also prevent a number from buying. But it has the appearance of gross class legislation. Why should the poor be required to go to the publichouse for their small quantities while the well-to-do classes get their larger quantities from the respectable grocer? Then in some cases quart bottles would be purchased by women clubbing together, and so much more injury done. The quart bottle has been tried in England, and has done great mischief. The evil would be aggravated by pint bottles. The licences would not be abandoned, and many would purchase the four gills who would only have purchased one. The law would be evaded. Neither bottle would in the least hinder sale for consumption on the premises. The proposal I would make would be to abolish the present licence by granting no new one; by allowing no real transfer; by continuing the present discretionary power of the licensing court to refuse a renewal; and by refusing all renewals five years after the Act came into operation.'

5912. You said that you had sent out 2000 copies of your queries, and you have only got back 501 replies, of which number about two-thirds answered very few of the queries, so that the number of clergymen who answered your questions in favour of abolition and so forth are really only about one-tenth of the whole number to whom they were sent: is not that so?—I don't know that I could put it in that way, but it is the fact that only 501 answers have been returned to our 2000 circulars.

5913. It is a great advantage to us to have evidence given in that concise form, because it is as well as if we had asked you fifty questions upon the general subject. We shall give these returns our best consideration.—I expected that I would have been asked some questions upon certain points, such as whether the police have been dealt with by licensed grocers, but I am not prepared to make any statement on the subject, unless a question is put to me.

5914. *Mr Ferguson.*—Have you ever known any cases of the police being treated by licensed grocers or otherwise bribed?—I was asked to assist the police in putting down a grocer's licence that they thought had become very obnoxious. The superintendent in the district and the captain both assured me that they thought the constables on the beat had been bribed by that grocer, and they could not trust to any of the men.

5915. Have you any knowledge of instances where servant girls were treated by grocers when sent for groceries?—No.

5916. I think you have already stated that you were aware of cases where groceries were supplied to women and put in their pass-books as goods?—Yes; I thought I had still some of these pass-books in my

possession, but I have not been able to find any of them. Husbands brought such pass-books to me again and again, and complained about spirits being given to their wives unknown to them.

5917. Have you had these complaints from numerous people?—Not very numerous, but from different parties.

5918. Have you had more than one instance of a complaint from the same person?—Yes.

5919. *Mr Campbell Swinton.*—Supposing there were no stronger reason than that against the continuance of grocers' licences, could not that evil be very easily put an end to by making a single false entry in the pass-book the ground for forfeiting the grocer's certificate?—It might; but in many instances the husband, from a feeling which I can understand and approve, will not make the thing public, and will not expose it in a public court.

5920. *Sheriff Crichton.*—You said something about the influence of the tea-merchant and the provision-merchant being brought to bear in connection with the granting of licences; do you mean being brought to bear on a licensing court?—Yes.

5921. You mean by speaking to the justices and magistrates?—Yes.

5922. Do you know any cases of that kind?—I do.

5923. Is that a thing that has been of frequent occurrence?—I would not say that it has been frequent. I may state that in Glasgow the licensed grocers, as a rule, are very respectable, and far above doing some of the things that I have referred to, but there are cases where the grocer will do such things.

208. Rev. JOHN RENFREW, Glasgow, examined.

5924. *The Chairman.*—You are superintendent of the Glasgow City Mission?—Yes.

5925. You have, I believe, got some document to present to us?—Yes,—a memorial from the missionaries, which is signed by the missionaries connected with the Glasgow City Mission. There are above 100 missionaries in town altogether, some of whom are connected with congregations; but those whom I now represent are the members of the City Mission, who have no church connection, but who labour chiefly in the poorest localities of the city. We have 46 missionaries in connection with our society: this memorial has been signed by 43 and myself. Of the three who have not signed, one has his district in Kirkintilloch, and he has not had an opportunity of signing. I cannot assign any reason for the other two. I may also mention that we have not so much to do with the licensed grocers: our districts are mostly in the poorer parts of the city, where we have to do with the publichouse pure and simple; but the missionaries who come in contact with the grocers' licences are able to testify to the evil effects of these licences upon the people in their districts. The memorial is in these terms:—'Statement from City Missionaries in Glasgow to Royal Commission on Grocers' Licences.—We, the undersigned city missionaries in Glasgow, express our conviction that the facilities afforded by the grocers' licences for the sale of spirits, wines, and malt liquors have a most pernicious influence on the morals of the community. Though the more open cases of drunkenness may not be so easily traced to licensed grocers' shops as to publichouses, we are of opinion that the facilities afforded by the former in supplying liquors, especially to females in the initiatory stages of intemperance, exert a most insidious influence, and lead many into drinking habits. We therefore urge the separation of the sale of intoxicating liquors from groceries as fitted to remove a strong temptation to drinking and drunkenness.' I may say that one evil which we find to exist is that the people get credit for drink in grocers more readily than they do in the publichouse. Indeed, it is very seldom that the class among whom we work can get credit in a publichouse—they are too poor to have anything to go back upon; but they get credit from the grocer, and

they get their drink there under cover of going in for something else. In that way they maintain their character to a certain extent. We find, for instance, that females in the first stages of their liking for drink would not care to be seen going into a publichouse; but they go into the grocer's shop under pretence of purchasing groceries, and in that way they are led into the habit. There is one young man connected with the Mission who was at one time in a grocer's shop, who can testify to the extent to which false entries are made in the books. If the Commission desire it, I can get him to write a letter on the subject.

209. WILLIAM DEAN FAIRLESS, M.D., examined.

5926. *The Chairman*.—You are the proprietor and resident physician of the Bothwell Asylum?—I am.

5927. You have, I understand, a protest to present from certain medical men on the subject of our inquiry?—I have. With your permission, I would read a short statement I have prepared in connection with it. [The witness read the following statement]:—"I have the honour to appear before this Royal Commission to ask leave to present a protest against the continuance of the grocers' liquor licence, which has been signed by 74 medical gentlemen practising in the city of Glasgow; and I may state that, had there been more time, a larger number of names might have been obtained by waiting upon the members of the profession instead of merely sending a circular, which is apt to be laid aside and forgotten. The text of the protest is as follows, viz.—"We, the undersigned, being members of the medical profession, beg to record our strong persuasion that the facilities for obtaining spirits, wines, and malt liquors, which are provided by the grocers' licences, have a most injurious tendency. This trade is almost wholly removed from police supervision, affords special facilities for violating the terms of the certificate, and for female drinking, and interferes with the treatment of habitual drinkers even more than the ordinary trade in intoxicating liquors, as carried on in publichouses. We protest against the continuance of this licence, on grounds moral and medical; and we hold the separation of the sale of intoxicating liquors from that of food as an important practical step within the power of the legislature towards the mitigation of the evils of intemperance. Signed by 74 medical men." The signatures may be divided into two divisions—*First*, The practitioners in general practice amongst all classes, but chiefly amongst the middle and working classes; and, *second*, The professors and teachers of medical science, the physicians and surgeons of hospitals and lunatic asylums, police surgeons, and medical officers of health. The first division, I need not tell you, have very great facilities for obtaining an intimate knowledge of the evils complained of; for, like the ministers of religion, they are necessarily the repositories of many a sad family history, and are brought face to face with many a woeful tragedy arising from the use of intoxicants, and are naturally led to inquire into and trace the origin and progress of the evil. The second division are painfully conversant with the results of continued intoxication in the cases of many of the poor sufferers brought into the accident ward of the hospital, or who may, through bodily disease, occupy beds in the ordinary wards. The police surgeon can tell his tale of the scenes of horror he is often called to witness in the fell work of the inebriated murderer or suicide, besides a thousand lesser assaults and stabbings. The asylum physician can speak of delirium tremens, that fearful Nemesis of the bottle; of the sadly popular disease or vice of dipsomania, the cure and treatment of which so puzzles our social reformers and legislators; and of the heavy percentage of hopeless insanity which has its origin in the drinking of intoxicating liquors. While the medical professors and scientists are all more or less inclining to the opinion

that the value of alcohol in disease has been over-rated, that it can hardly be classed as food necessary for human support, and that the separation of its sale from that of food is dictated by sound scientific teaching, and is, in the words of the protest, "an important practical step within the power of the legislature towards the mitigation of the evils of intemperance," I venture, then, respectfully to urge that the opinions of so large a body of medical men are, to say the least, worthy of being carefully weighed, for, as a rule, the medical profession is slow in adopting new notions in morals, or of departing from old established opinions and practice, and medical men have, as you are no doubt aware, very often been blamed for the initiation of the drunken habits of some of their patients by the thoughtless prescription of intoxicants—for the purchase of which the grocer's shop is the general place. It may be said that we cannot prove our charge that the grocer's licence has a more injurious tendency than that of the publican, and that it ought therefore to be abolished. I am unable to present before you the detailed facts on which each medical man signing the protest has based his opinion; and, even if I could do so, it would only be a repetition of the evidence which has already been laid before you by many respectable and trustworthy witnesses, of the grievous temptation which the grocer's customer has to obtain intoxicants in a clandestine way, and to hide the practice by the falsification of the entries of the pass-book, and how such facilities often engender secret drinking at home, which not seldom culminates in the wife and mother becoming the debased drunkard, the curse and disgrace of the happy home, and who must be thrust therefrom into some inebriate retreat, or perchance be sent to die, wrecked in body and mind, in a lunatic asylum. Almost every practitioner can give abundance of illustrations of these statements; for, alas, they are not mere dreams and fancies, but sad, sober realities, met with too frequently in the ordinary routine of his practice. No hardship would be inflicted on the public by the removal of these licences, for we do not ask, as yet, for the abolition of all liquor licences. If there is any meaning in the sign-boards of the publicans, many of them have a "family department" entered by a separate door—presumably into an apartment distinct from the counter—where liquor not to be consumed on the premises can be had and carried away. There would then be no difficulty in obtaining the liquor, and with this great advantage, that it would be by an open, honest purchase, not under the cloak of groceries; for if any individual is ashamed to go to the family spirit shop to buy ale, wine, or spirits, it is not uncharitable to say that the individual should also be ashamed to drink at all: he or she would feel no shame to buy a loaf at a baker's shop even though bread might be had at the grocer's too. This proposed limitation of the licence to the publican would give more complete police control over the sale, for it is also notorious that there is in many quarters a frequent violation of the certificate: this is capable of proof, and is a grievous evil tending to foster and hide the habit of secret indulgence. I need not again remind this honourable Commission that a change is growing fast in the direction of disbelief in the supposed benefit to be derived from alcoholic liquors. It is a fact that medical men are now more cautious and sparing in their recommendation of them to their patients, and that hospital and poorhouse is thought best conducted where their consumption is the lowest. Not a few leaders of the profession have come to the conclusion, often sorely against previous doctrine and practice, that in health and disease the use of alcohol is often not only useless, but positively injurious, and therefore ought to be discountenanced by every legitimate means. I venture to hope that this change will have some weight in inducing you to recommend the separation of the sale of intoxicating liquors from that of food."

GLASGOW.

—
William Dean
Fairless.

GLASGOW.]

210. Mr M'INNES, Glasgow, examined.

Mr M'Innes. 5928. *The Chairman*.—You are the editor of the *Co-operative News*?—Yes. The evidence which I have to give will be very brief, being merely a memorandum in supplement of some evidence that has already been given, but probably it may be taken as being a little more authoritative, as I am not merely the editor of the *Co-operative News* in Scotland, but also secretary of the Scottish section of the Congress Board. Mr Vansittart Neil, barrister, is the secretary for England. The membership, capital, and trade of the co-operative societies registered under the Industrial and Provident Societies Act in Scotland are as follows: Societies, 314; members, 78,984; capital, £423,654; sales, £2,437,544. The co-operative societies registered under the Companies' Act are as follows: Societies, 3; members, 5776; capital, £13,471; sales, £127,871. The registered societies licensed to sell spirits and ales are eight in number, and three have licences for porter and ale only, making a total of eleven societies, as follows: Rosewell, Edinburgh county, porter and ales only; Gavieside, Edinburgh county, porter and ales only; Cockenzie, Edinburgh county, porter and ales only. The following are licensed to retail beer and spirits: Lassodie, in Fifeshire; Bridgeton, Victualling; Bridgeton (Old Victualling); Cambuslang, Rutherglen, Larkhall, Springburn, Lanarkshire, and Lennoxtown in Stirlingshire. These are the whole of the societies that are licensed in Scotland, according to the returns that have been made; but I think the returns are inaccurate in that respect, because I am almost positive that there are other two societies besides those that sell spirits. The societies named possess a membership and capital and do a business as follows: Membership, 2244; capital, £10,049; sales, £56,243. The characteristic difference between the societies that hold no licence for the sale of liquors, and those licensed for the sale of them, is that the former with a few exceptions do a ready money trade; the latter without exception do a very large credit business, averaging to the extent of two-thirds of their capital. Having a thorough knowledge and connection with the whole of the societies in Scotland, I venture to say that the members of these societies have an aversion to licences in connection with their stores, on the belief that they interfere with their success, and are detrimental to the cultivation of habits of forethought and economy in their households. I may further state with regard to the drink traffic in connection with co-operative stores, that the failures of stores that have been licensed have been very much larger in proportion than those stores which have no licence. I may further mention that a very large number of the stores that have licences, were licensed long before the Industrial and Provident Societies Act came into operation, and that they have thus become a sort of use and wont thing.

John
Henderson;
Robert Harvey;
George Russell.

211. Mr JOHN HENDERSON, Unlicensed Grocer, 254 Sauchiehall Street, Glasgow.
212. Mr ROBERT HARVEY, Unlicensed Grocer, Cove.
213. GEORGE RUSSELL, Unlicensed Grocer, Chapelhall.

} examined.

5929. *The Chairman*.—I believe you, Mr Henderson, wish to make a statement with regard to the matter from the point of view of the unlicensed grocer?—*Mr Henderson*.—I may refer to one or two points which have been brought up in the course of your inquiry. The point which has weighed strongest with me for many years in connection with this matter has been the facilities that females have for obtaining drink from grocers' shops which have the licence. My attention was called very specially to that matter a long time ago, by a gentleman now deceased, who told me that he knew of one shop in the centre of Glasgow that had proved the ruin of thirty women. I mention that

because it was a circumstance which specially fixed my attention upon this subject of the licence. That was long after I commenced business in Sauchiehall Street, which is now over twenty years ago. I was often advised by friends of my own to apply for a licence; but I have always objected to do so on principle. Females very often come in to me asking for drink. The last case of the kind was only on Saturday night last, when, as I was shutting, a very respectable-looking girl came in asking a gill of whisky in a bottle. The manner in which these females generally come into the shop shows at once that they are suspicious of being known. They always carry a bag or basket, and they always keep their hand in it in a very suspicious manner. I could mention particular facts as an illustration of the kind of thing to which I refer. There was one case of a respectable female, that lived in the neighbourhood, who sent down to me wishing to open an account for goods on credit. She said that she had dealt with such and such a person; but that in consequence of getting bad goods from him, she had left. She wished particularly to get a bottle of whisky along with her other goods, and she wanted me to get it for her. Before giving her anything I sent to the other grocer whom she had named, and I was told at his shop that she had got everything she was likely to get there, and that her chief object in changing was to get whisky, which she always wanted to have along with her groceries. I afterwards ascertained, through my own shopman, that this woman's little girl was in the habit of being sent with a little bottle in a basket by her mother for whisky. That woman is now deceased; I believe she went 'to the bad'; and that was a case of absolute ruin to that house. Another ground on which I object to licences being given to grocers is in consequence of the injustice that is done in that way to the unlicensed grocers. I, of course, have not applied for a licence; I might possibly have got one if I had applied for it; but the want of it has affected my business to a very large extent as regards profits. It was only in the end of last week that a lady came into my shop and began to give me a very good order. She said she had been recommended to me by a respectable person, and she went on mentioning the goods until she came to half-a-dozen of Bass, or something like that. I mentioned that we did not keep liquors, when she looked round about and said: 'I think it is perhaps as well to get them all in one place.' She did give an order, however; but I could mention many customers who have gone to other places simply because we did not keep liquors, and it was inconvenient for them to go to two places.

5930. The licensed grocers confirm that, because they say that their customers prefer to get the whole of their goods at the same shop?—Then there is one thing I would mention in connection with that matter, which is this: that seeing the licensed grocers are such a small number compared with the whole of the grocers in the city, and as they have really a monopoly of their kind of business, they ought to pay for it in some way. They ought to be handicapped, perhaps by putting some tax on their premises, which could go to our municipal funds; because, through the influence of these places the taxes of our city are very largely increased, and our rents are very largely raised. It is scarcely possible now to get a shop for a grocer in our locality without the licence at any reasonable rent; and that is one reason given by many of them for taking a licence, that they could not get on without it.

5931. Are there any unlicensed grocers in that position in Glasgow who have been refused licences?—I cannot say how many have been refused; but I can give the number of unlicensed grocers as compared with those that are licensed. So far as they are mentioned in the 'Directory,' there are 98 wholesale dealers; that includes a great many family grocers who are both wholesale and retail. There are 864 grocers and spirit-dealers, and if you deduct 208 from that, which is the number of licensed grocers, as we understand, that leaves 656 unlicensed. In addition to that there are 640 provision-dealers; these are to a large extent similar to

grocers, as most of them do keep groceries, so that there are in that way 1296 unlicensed grocers.

5932. Then the magistrates must either give a licence to every respectable person who asks for it, or they must put one in a better position than another: that is your case?—Yes, and I think it is not justice.

5933. *Mr Campbell Swinton*.—But many of you unlicensed grocers do not want a licence, and do not ask for one?—I must say that I do not want one. I am not a teetotaler, but I object to having the licence in consequence of the amount of evil that I think arises from it.

5934. Then you, individually, have no right to complain of the other men getting it, seeing that you have not been refused, and that you do not want it?—I have reason to complain against my neighbour who has the licence, because I think that we should all be put upon the same footing.

5935. *The Chairman*.—You, Mr Harvey, are an unlicensed grocer at Cove?—*Mr Harvey*.—Yes.

5936. Where is Cove?—On Loch Long, Roseneath.

5937. Do you concur in what Mr Henderson has said?—I have a very short statement here which I may be allowed to read. 'I have had four or five years' experience as a grocer in a locality where no grocers' licences existed. The class of customers were generally tradesmen and labourers. There was no savings bank in the neighbourhood, and those parties frequently deposited with me the money saved from their wages in summer, till they left in autumn. I observed that after a grocer's licence was obtained, although many of the same men frequented the locality, their savings disappeared, and the men themselves stated to me that the reason was, that their money was spent in drink. I have had pass-books handed to me by mistake, in which there were pages of entries for bread alone, while I found that those parties were getting as much bread as they could consume from me along with their other groceries, and that the pass-books handed to me by mistake were accounts with another licensed grocer in the immediate neighbourhood. The practice of selling drink and giving a tumbler to drink it at the door, or at the front or back of the licensed premises, is a daily occurrence, and gives rise to frequent complaints and annoyance. The only other thing I would remark is that, looking to what I have heard, I don't think that if the trades were separated the public would suffer, because I find that the bulk of our customers, being summer visitors who come from Glasgow, get their groceries from the west end licensed grocers in Glasgow, and it is very rarely that objection is made to me not supplying liquor. I think that many of them prefer coming to a shop where the irregularities attending licensed grocers in the neighbourhood do not occur.'

5938. How many licensed grocers are therein Cove?—There is one in Cove and one in Kilcreggan.

5939. How many unlicensed grocers are there?—There are three unlicensed grocers in Cove, and one at Kilcreggan.

5940. Have any of these unlicensed grocers been refused licences?—Yes; at Kilcreggan there have been several applications; indeed, they are made almost annually.

5941. You, Mr Russell, are an unlicensed grocer at Chapellhall?—*Mr Russell*.—Yes.

5942. Where is Chapellhall?—It is in the east part of the parish of Bothwell, in the Airdrie district.

5943. You wish to say something as to the evasion of the law by grocers in your neighbourhood?—Yes. I have had opportunities of observation on that matter. I was at one time in charge of a grocery that had a bakery connected with it, and I went round the country for a good few years, and had to do with licensed places. I have found both then and now that there is no such thing as any supervision by the police over licensed grocers; but that they carry on quite openly the contravention of the Act by selling to be consumed on the premises.

5944. Have you seen that with your own eyes?—Yes; and I have been invited often to partake of it along with others.

5945. *Sheriff Crichton*.—Have you seen that in a number of shops?—Yes.

5946. How many?—There was no exception in any one that I visited, and I saw a great many of them for a few miles round about there, when I was in the way of visiting, from time to time. They seemed all to be going on in the same way.

5947. Can you say that you have seen it in six different shops?—Yes, far more than that, but it is worst in stores connected with public works. They seem to be more open with it there, in consequence of the connection which they have with the works.

5948. Can you give us, in writing, the names of any stores connected with public works where that is done?—Yes. [The witness gives two names in writing.]

5949. *The Chairman*.—Have you any other statement to make?—Nothing, except that I concur generally in what has been said. I have had occasion to observe that these licensed grocers are, as it were, a nursery for females learning to drink. Many of these females won't go to publichouses so long as they have a character to maintain, but they would go into a grocer's when they thought they were not suspected, and get drink there.

5950. Do you state that from your own knowledge?—Yes; it is not mere suspicion, but it is what I have seen time after time. I have seen parties whom you would have thought were above suspicion come into a grocers' shop to get drink, and the remark has been made to me at the time, by the grocer, that I was in the way there,—meaning that they would rather I had not been there when they came in.

5951. And you are quite of opinion that these were women who would not have gone to the publichouse?—Yes, they would not have gone to the publichouse at that time, because they still had a character, and they had not got the habit confirmed. They would not allow themselves to be suspected at that time of taking drink; but of course they latterly threw that off, and went to the publichouse. The only other thing I would mention is, that in a working-class district we have not the same reasons for objection with regard to the want of licences that an unlicensed grocer has in a higher class district. It is merely the contraventions of the Act that we complain of.

5952. *Sheriff Crichton*.—You think you can compete quite well with the licensed grocer?—Yes.

5953. And that the giving of the licence would be of no advantage to you?—None whatever.

5954. Have you been asked to put spirits down in some other name in pass-books, or do you know that such a practice exists?—No; not to my knowledge. I believe it is done, but I cannot give any case of it.

214. Mr THOMAS DUNNACHIE,

215. Mr REID, Ballieston,

} examined.

Thomas
Dunnachie;
Mr Reid.

5955. *Mr Campbell Swinton*.—You, Mr Dunnachie, are manager of the Star Fireclay Brickworks at Glenboig?—*Mr Dunnachie*.—I am. Glenboig is about a mile and a half from Gartsherrie.

5956. Have you any special information to give us on the subject of our inquiry?—There is one point I wish to speak about, and that is the carts coming round the country with drink. We are very much annoyed with that at Glenboig. A spirit-dealer from Coatbridge comes round on the Fridays, and goes from door to door among the workers taking their orders; and he returns on Saturday, immediately after we have paid the workers, and delivers his bottles, having little labels on them with the names of the parties for whom they are intended. There is another large work in the neighbourhood, in the same village, with whose workers this person also deals. He gives credit to them also, and returns on the following Tuesday, when the workers in the other work get an advance. A number of our work-people get in their regular supplies in that way.

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Thomas
Dunnachie;
Mr Reid.

5957. That is to say, they give their orders on the Friday and they receive them on the Saturday?—Yes.

5958. Then that is not hawking spirits, it is only fulfilling orders that have been given?—Yes; but it is done in such a style as I have never known it to be done elsewhere, by going from door to door and asking for orders among these poor people. The outcome is a large number of drunken women. In three rows I can count ten drunken women,—some of them our own workers, and some our neighbours' workers. There will be about a dozen houses in each row.

5959. It is chiefly one licensed grocer who sends for orders in that way?—It is one individual from Coat-bridge. Then we have a publichouse and a grocer's shop, and there is only 4½ inches between the two; they are held by the same party. There is only a partition wall between them. The people come to the grocer's shop for their goods, and if they want drink he marches out and round the partition and in at another door, and he brings out the drink to them from the other place. There is a very great amount of evil connected with that.

5960. What remedy would you suggest for such a case as that?—If we are to have a separation of the grocer's shop from the publichouse, it should be a reality and not a sham. This is just a sham, but there is a deal of it in country places. The same man getting a licence throws up a partition or builds up a door between the publichouse and the grocer's shop; and it is virtually a licensed grocer's shop with liberty to sell drink to be consumed on the premises; but he evades the law by building the partition. He is an unlicensed grocer on the one side of the wall, and a licensed publican on the other.

5961. Then the fault there is in the magistrates giving a publichouse licence to a man who is also a grocer?—Yes, and he being so immediately connected with the publichouse. We are fighting just now to keep down the amount of drunkenness amongst our workers, which is so fearful that we cannot get on. Last Saturday I had nine men wanting, and to-day three.

5962. But then in this particular case the drunkenness is from the publichouse and not from the grocer?—It is from both, because there is the regular supply coming in these bottles, and going into their houses; but the point I wish to throw into prominence with regard to the publichouse is that the law is evaded by the grocer's shop being virtually a licensed shop after all.

5963. Do you think he gets more custom to his publichouse from the fact that he sells groceries next door to it?—Yes.

5964. *Mr Ferguson*.—I think you said that when people go to the grocer's shop, the grocer went to the other shop and got what drink they wanted for them?—Yes.

5965. Is that to obviate their appearing to go into the publichouse?—No. It is turning the grocer's shop into a licensed grocer's shop.

5966. But what is the object of that? Why do the customers not go into the publichouse themselves? Do they not want to be seen going in there?—I don't think that; but they are going for their goods, and they want so much whisky along with their other goods, and here is the same party who attends to both counters, and he just walks out from the one place into the other.

5967. *Mr Campbell Swinton*.—But it is a publichouse licence all the same?—Yes; it is a publichouse licence, but he is really turning it into a grocer's licence; and there is much of that in the country by licensing the same man. If the publichouse were at a distance it might be somewhat different; but it is a mere sham having it simply round the corner, a few inches apart.

5968. You, Mr Reid, are a colliery manager at Baillieston?—*Mr Reid*.—Yes.

5969. Do you concur with what Mr Dunnachie has said?—I think that generally I can testify to a great deal of what he has said.

5970. You have had very long experience among miners?—I have had thirty years' experience in the same neighbourhood, and I was a few years in Bothwell parish

before that. I think the chief grievance we have to contend with is the grocer's licence.

5971. Why do you think it is more deleterious than the publichouse licence?—It is a perfect nursery for young women learning to drink. I have known a great deal of the abuses which exist through getting false entries made in their books. I have had workers under me who came to me very much grieved, and showed me where the entries had been made.

5972. *Sheriff Crichton*.—Have you known any case of that kind recently?—I have not had a case before myself recently. I think the people under me now are more done with that. I have two or three people under me that the men come more in contact with now, but it used to be very common.

5973. But you have not had any case of that kind for say the last three or four years, have you?—I could not say that there has been one within the last year or eighteen months, but certainly within the last two years I have had personal knowledge of such cases.

5974. And those men whom you now have under you have seen them recently?—Yes.

5975. *Mr Ferguson*.—You have reason to believe that the practice goes on still?—I have.

5976. *Mr Campbell Swinton*.—Were these young women you speak of the wives of labouring men?—The younger women were in the habit of clubbing together, and the older confirmed drinkers got them dragged into their own habits; and if they could not get the drink in that way at the grocer's shops, they would rather spurn, I think, going to the publichouse. If it were not for the grocers, the young ones would not be able perhaps to get it in such a way that their husbands would not be aware of it. I don't mean to say that every licensed grocer abuses his licence in that way; and perhaps it would be a difficult matter to draw a line as to the sort of people you would grant that licence to; but certainly from my earliest days I think there has been nothing that has been a greater abuse among the working classes than that.

5977. In your early days the grocers were all publicans, in fact; they all had publicans' licences?—Yes; they all had sitting-down licences in my early days.

5978. Do you think it is an improvement that they should not have that?—Certainly; that is one great improvement; but that improvement has not gone far enough. I think the thing is well enough meant just now if it was well attended to; but there are many who have these grocers' licences that abuse them.

5979. How do you think it could be better attended to than it is? By better supervision on the part of the police?—Something might be done in that way; and perhaps by having a higher status of rental, so that you would improve the class of people that the licences were given to. Another thing is that I don't think any one who has a licence of that kind should live on the premises.

5980. You think that some improvements of that kind could be made without entirely separating the two trades of grocer and spirit-dealer?—The principle is bad, in my opinion. The true way is to separate the two trades altogether.

5981. You would not be afraid that the effect of that would be to drive people to the publichouse?—No, I think it would have no effect in that respect. There are a good many who get the habit formed in the way I have already explained, who would not, I think, go to the publichouse.

5982. Is it your experience that drinking habits are increasing among the working classes?—I cannot say that they are. I think there is an improvement, generally speaking, and more particularly on the Sabbath days.

5983. Do you think that drinking is increasing among women?—I don't think there is much improvement in that way. I am sorry to say there is not the improvement there that we would like to see.

5984. You say there is an improvement on the Sabbath day. Is there any idea of the licensed grocers in your neighbourhood infringing their licences in that respect?—I am afraid that is done in our neighbourhood. I

think that is where the drink is got. There is a good deal of drunkenness, and the drink must be got somewhere.

5985. *Sheriff Crichton*.—Is that in cases where the grocers live on the premises?—There are some of them who live on the premises; and the people get drink there with less suspicion than in a common publichouse. That is one of the reasons why I would separate the trades. I may also state that the working men generally with whom I come in contact are all dead against grocers' licences. In order to encourage the working men a

little, I took part lately in a co-operative society; I acted as a sort of chairman; and they were nearly all against having it licensed. Two or three perhaps were in favour of having a licence, in order that they might have higher profits; but they were largely in the minority, and you will speak to very few working men, unless of a very low class, who are not against the grocer's licence. They have all felt the effect of it less or more.

Adjourned.

GLASGOW.

—
*Thomas
Dunnachie;
Mr Reid.*

DUNDEE, THURSDAY, 1st NOVEMBER 1877.

Present:—

Sir JAMES FERGUSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSON.

SIR JAMES FERGUSON IN THE CHAIR.

216. WILLIAM ROBERTSON, Esq., Provost of Dundee, examined.

5986. *Mr Campbell Swinton*.—How long have you been Provost of Dundee?—Two years.

5987. You were previously in the Town Council?—I have been eight years in the Council, three years prior to being a magistrate and five years a magistrate.

5988. You have of course had considerable experience in the licensing courts?—I have.

5989. Can you tell us what is the general practice of the magistrates here as regards granting licences? I mean, have they been trying to diminish them, or have they any feeling on that subject?—The magistrates have for several years past been trying to diminish them very much.

5990. Can you give us a statement as to the progress that movement has made?—In the year 1866 the total number of licensed inns and hotels had reached the maximum, and there were then 24 of those licences. In 1867 the maximum of publichouses was reached, viz., 337; and in 1868 the licensed grocers had reached the maximum, viz., 242. The maximum of all the licensed houses together was reached in 1867, when there were 594. This year the numbers are as follow:—Inns and hotels, 8; publichouses, 242; licensed grocers, 196; total, 446.

5991. Do the grocers' licences include licences to sell ale and porter only?—Yes; but there are only three of such. Therefore, since the year 1867, when there was a maximum of 594, there has been a reduction of 148 licensed houses in Dundee, equal to 25 per cent.; and during the same period the population has increased by 34,143, or very nearly 32 per cent.

5992. Has the reduction taken place principally in publichouses or in grocer's licences?—The 337 publichouses which we had in 1867 are now 242, and the 242 grocers' licences in 1868 are now 196.

5993. Can you state any impression that has been made on your mind as to whether this reduction has been accompanied by any improvement in the habits of the people with regard to sobriety?—Well, so far as figures bear on the subject, the number of persons taken up for drunkenness and for breaches of the peace has increased; but there are various ways in which that may be accounted for. My own impression, and the impression of the magistrates of Dundee generally is, that there is a very marked improvement over the whole town, in consequence of the action of the magistrates in reducing the number of licensed houses.

5994. Then, is the increase in the offences due to the greater diligence of the police?—I think it is in large measure due to that, and I think it is also due to this, that within the period I have mentioned, or very shortly before that, we have established four district

stations in Dundee, which did not formerly exist, one at Lochee, one at the west end, one at the east end, and one in the north part of the town; and by the facilities thus given the constables are enabled to discharge their duty much more effectively than they were able to do before.

5995. And the increase has been chiefly in the case of those apprehended for being drunk and incapable?—Yes, and for breaches of the peace as well, which for the most part take place when the parties are in a state of intoxication.

5996. Can you tell us, in somewhat similar order, what has been the number of convictions for breaches of certificate, in the different classes?—In 1863, the number of convictions obtained against inn and hotel keepers, publichouse keepers, and licensed grocers, was 20; in 1864, it was 16; in 1870 the maximum was reached, when the number was 29; and there was the same number in 1872. In 1873 it fell to 23; in 1874, on the action of the magistrates in refusing to renew any certificate upon a first conviction, it immediately dropped to 10; in 1875 it was 6; in 1876, 5; and in the present year there have been only 2 convictions.

5997. Have you adhered to that rule of making a single breach of certificate involve the loss of the certificate?—We have adhered very strictly to that rule for the past four years. The magistrates themselves have renewed one or two licences that were taken away, after the parties had been without a licence for some time, and upon being satisfied that they would be responsible parties to hold the licence again.

5998. But your general rule is that a single breach of certificate involves the loss of certificate?—Yes; and that, in the opinion of the magistrates, has had a most beneficial and deterrent effect over the whole town.

5999. Has that rule been applied to both publichouses and licensed grocers?—To both.

6000. *Sheriff Crichton*.—No matter how slight the offence has been?—Provided the sitting magistrate was satisfied that a real tangible offence had been committed.

6001. *Mr Campbell Swinton*.—What kind of offences were they generally? Were they for permitting drinking on the premises when the party had only a grocer's licence, or for selling at unreasonable hours?—In the case of grocers it was wholly for drinking on the premises, and in the case of publichouses for drinking at unreasonable hours.

6002. But a grocer might also be guilty of selling at unreasonable hours?—There may have been such cases, but very few within my experience. For the most part these were cases of parties found in back premises in grocers' shops, or found at the counter; and on the constable making the detection they immediately set about concealing the offence.

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6003. Now, of the total convictions you have given us, how many were against grocers and how many against publichouse keepers?—They were as follows:—

	Total.	Of which there were against grocers.
1870	29	19
1872	29	17
1873	23	18
1874	10	8
1875	6	1
1876	5	4
1877	2	2

6004. Have you any rule as to the value of premises that are licensed in the case of grocers?—We have no rule as to value. The value of property varies very much in different localities in the town. For instance, while a large double shop in a central part of the town, and in one of the leading thoroughfares, may be rented at from £60 to £80, the same amount of accommodation may be got in the outskirts for possibly £20 or £25.

6005. What do you suppose is the lowest rental paid for a licensed grocer's shop in Dundee?—I have a table here which will show the state of matters in that respect:—

Rental.	Number of Shops.
£10 and under £15	15
15 " 20	96
20 " 30	26
30 " 40	25
40 " 50	11
50 " 60	4
60 " 80	8
80 " 100	3
100 " .	5
130 " .	1
145 " .	1
200 " .	1

6006. Have the convictions generally taken place in regard to low-rented premises, or the reverse?—I have not made any observation as to that. We are in the habit of classifying the grocers' shops in Dundee, and speaking of them as first, second, and third class; but I am not able to distinguish in which class the offences have chiefly occurred, as we have only recently introduced that classification when reporting upon houses making application for licence. Those houses are periodically visited before every licensing court, and a very careful inspection is made of the whole of them, and they are reported upon at the court. I may add, however, that I have no doubt convictions have taken place in all the classes.

6007. Are you aware of any complaints on the part of the police that they are unable sometimes to obtain convictions though they have strong reason to suspect that breaches have taken place?—Yes, I have a very strong opinion on that question. I think that the facility for entering grocers' shops should be quite equal to the facility for entering publichouses.

6008. Do you think that the absence of that facility has led to evasions of the law taking place without being discovered?—Yes, I think there would be fewer evasions, and I think there would be more discoveries if there were any attempts at evasion if those facilities were granted to the police.

6009. Have any cases come before you as a magistrate of false entries in the books of a licensed grocer, —I mean of spirits being procured and put down in the books under some other name?—No.

6010. Have you ever heard any allegation of a suspicion of the police being treated by licensed dealers?—There have been cases in Dundee where policemen have been suspended in consequence of that.

6011. Numerous cases?—No, very few; and there have been convictions following upon it, and the licence has been withdrawn from the offending parties.

6012. From your long experience as a magistrate, have you any suggestions to make upon the subject of our inquiry besides the one you have mentioned as to giving

the police greater facilities for entering grocers' shops?—I have one suggestion to make,—that there ought to be no parties residing upon licensed premises. The magistrates of Dundee, during all the period I have been a magistrate, have refused to grant a licence to any premises where the party resided upon the premises.

6013. By residing on the premises, do you mean that their dwelling-house must be under a separate roof, or only that there must be no internal communication between the two?—I mean the dwelling-house should be under a separate roof. At present there are twenty-one licensed publicans in Dundee who reside on the premises. The magistrates up to this time have not thought it their duty—at all events it has not been earnestly considered—to deprive any one of his licence until an opportunity occurs by reason of a transfer, or of some offence being committed.

6014. But on the occasion of an opportunity occurring, you make it an invariable rule to refuse the licence?—Yes, to refuse the licence where the parties live on the premises, or in connection with the premises in any way.

6015. *Sheriff Crichton*.—Those parties have held a licence for some years?—Yes, they are all old licences. There are twenty licensed grocers who reside on the premises, and the magistrates view them in the same light as the publicans. They have held the licence for a long period, and as nothing is known against them they are allowed to remain; but as soon as any opportunity occurs the holder of the licence is deprived of the privilege of living on the premises, or in connection with the premises.

6016. *Mr Ferguson*.—Even supposing they lived in a common stair a floor or two above the shop, would you carry out that rule?—No, not so strictly if there was no possibility of communication between the shop and the dwelling-house, and no side door in the close—no means of getting access to the licensed premises except from a front door open to a public thoroughfare.

6017. *The Chairman*.—Then as a general rule you prohibit back doors in the case of both publicans and grocers?—As a rule in both cases, we grant no licence where there is a back door, or the possibility of getting access by back courts or closes to the licensed premises.

6018. You do not even listen to the plea from a grocer that he should have a back door in order to bring in his goods?—No, and we object to there being more than one door to any licensed house, unless in the case of a corner building, and then we allow a door in each of the streets, provided the streets are of equal importance—that is to say, both streets are important thoroughfares.

6019. And in that case both doors are regular public doors?—Regular public doors. We object to grant licences either to public houses or to grocers' shops now unless they are situated in somewhat important and leading thoroughfares; that is to say, we do not grant them in back lanes or in narrow out-of-way streets that are not so well lighted and not so public thoroughfares in every respect.

6020. *Sheriff Crichton*.—The magistrates of Dundee have gone that length?—Yes, we have gone that length.

6021. *The Chairman*.—Have you any other suggestion?—I have no other suggestion to make. I make no suggestion as to whether it is desirable the provision and spirit trades should be separate or not.

6022. Have you any opinion upon that subject?—I have an opinion, and a very strong opinion, that unless matters can be mended very materially from what they are at present, there should be a separation of the trades. And what I chiefly refer to when I speak of having matters put upon a better footing is that while we have at present only 196 licensed grocers in Dundee, we have 468 grocers in Dundee without a licence; and the perplexing difficulty in which the magistrates are placed every six months, when the licensing season occurs, is almost beyond any one's capability of endurance.

6023. Then you think that the non-licensed men are over-weighted as against the licensed men?—Yes. We have 74 of what we term first-class licensed grocers in Dundee, (and when I speak of classes I refer to

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premises and not to individuals), while we have 86 equally good first-class premises without a licence.

6024. And you find it difficult, if any of those 86 ask for a licence, to refuse it to them while you are giving it to others?—Yes, and we have from 60 to 80 of those parties pressing for a licence at every licensing court, so that they may be put on the same footing with their neighbours.

6025. *Sheriff Crichton*.—That is what you refer to as the perplexing difficulty the magistrates feel every six months?—Yes; and then they urge as a plea the impossibility of their being able to compete in the grocery business for want of a licence. They make comparisons of their premises and their respectability of character, and in every possible way bring what influence they can before the court through their agents and otherwise, so that the magistrates are in great difficulty how to act in the matter. They feel that either the 74 first-class premises should not have the licence, or that the 86 should have it also.

6026. And the only plea in which the magistrates can take refuge is that they do not want to increase the number?—Yes,—that we think it beneficial for the community that they should be kept at as low an ebb as possible.

6027. *The Chairman*.—And yet you feel it a hardship to those who have not the licence that they should not have it?—Yes, we think a very great hardship and injustice is done to those parties. We have 73 second-class houses holding a licence, but we have 153 equally good second-class houses without the licence. We have 49 third-class houses, which are small houses, and may probably have held a licence for a long period. According to the present rule of the magistrates they must continue to hold it till they lose it by some offence being committed or by a transfer taking place; and at the same time we have 229 houses of the same class without the licence.

6028. *Mr Campbell Swinton*.—Independently of that perhaps undue preference and undue advantage which the holding of the licence gives, do you think there is any evil inherent in the holding of a licence by a grocer?—I am not prepared to say that, were there no difficulties such as I have indicated, I should recommend a separation. I am not prepared to go that length. I do not know what effect it would have upon the respectable community of Dundee were they not to have their supplies of wines, spirits, and other liquors from the grocers, and were they driven to the publichouses to procure these supplies.

6029. You think it possible some evil might arise from their having to go to the publichouse instead of to the grocer's?—I think it is possible.

6030. *Mr Ferguson*.—Do you not think it possible or likely that if there was a separation of the trades an intermediate class would spring up holding a licence between a publichouse and a wholesale wine-merchant's, which would supply that want?—Yes, I think that is likely; and probably it might be the best solution of the existing difficulty.

6031. *Sheriff Crichton*.—Is there any such class in Dundee at present?—There are parties in Dundee who hold a grocer's licence, but who sell almost no groceries. Their sole business seems to be the sale of excisable liquor. I find from the return I hold in my hand there is only one who holds a grocer's licence and sells excisable liquors alone, but there are twenty-one who hold a grocer's licence, and whose chief business lies in excisable liquor.

6032. *Mr Ferguson*.—In regard to those 21, are they the smaller class of grocers of whom you spoke?—There are 4 of the first class, 12 of the second class, and 5 of the third class.

6033. With respect to the 12 of the second class, is the character of their business that of a wine and spirit merchant?—They deal in liquors of all descriptions, especially whisky.

6034. As merchants?—Yes.

6035. *The Chairman*.—Supposing the extreme measure you suggest, of entirely dividing the trades, was not carried out, have you any suggestions for the

improvement of the present state of matters?—Besides the strictness with which the magistrates of Dundee view the premises, as I have already indicated, they also insist that no grocer's premises for which a licence is sought, or for which a transfer is sought, shall have any division within the premises. It has been very much the practice—indeed, the almost universal practice in Dundee—for a portion of the premises to be closed off by a partition, or to have some small room in connection with the shop. The magistrates now insist upon the whole premises being open, with no division of any kind across within the premises, and that no goods shall be piled up so as practically to form a back room in places where there is no partition.

6036. Do they also pay attention to the necessity of the windows being made of clear glass?—The magistrates have indicated from the bench their desire not to have obscured or painted glass in the windows, but they have not insisted upon that as a rule, though my opinion is that it ought to be insisted on.

6037. In order that the police from the outside may see at once what is going on?—Yes, perfectly. I am also of opinion that where business is done with grocers by means of credit, and where poor people go with books to procure supplies of groceries and liquors, no liquor should be given on credit of a less quantity than a full quart.

6038.—You would not say that liquor should not be sold, but only that it should not be given on credit?—Yes, it should not be given on credit. I think it is reasonable that that should be insisted upon, as it is not possible to recover for spirituous liquors in quantities of less than a quart.

6039. *Mr Ferguson*.—Might that not lead to people getting more than they require at a time and drinking too much?—As regards the class upon whom it would operate, I think it would not affect them.

6040. I suppose not, if they all bought simply for their own consumption, but perhaps two or three might join together and purchase a quart, get it away on credit, and use it all at once?—Yes; it is possible, of course, to evade any regulation that might be laid down in that way.

6041. You have not thought of that?—No. I think that probably it might be the means at all events of lessening the danger of spirits being entered into books as groceries, if such a practice prevails at the present time, and I should make that an offence as well, viz., that where spirits are found entered in poor people's books as groceries, it should be made an offence on which conviction might follow, and consequent deprivation of licence.

6042. *The Chairman*.—Did I understand you to say that you would not adopt the rule of prohibiting the sale of liquors at all except in sealed bottles containing a quart?—No; but I would prevent the sale of liquor in open vessels. I think it should be sold, if not in sealed bottles, at all events in corked bottles.

6043. Would you make any rule as to the size of those bottles?—I am scarcely prepared to say that I would.

6044. Do you think it possible that good might be done by requiring that there should be securely corked bottles, even though those bottles were small enough to contain only a gill?—Yes. I am afraid that if the quantity were restricted to a pint, while many poor people going and taking a pint home in a bottle would use it economically, and only when required, others would just use it straight off till there was no more to use, and I don't know what the effect of that might be—probably a worse state of matters than that prevailing at present. I am not, however, prepared to give a very positive opinion upon that question.

6045. Have you any other general suggestion to offer?—I would suggest that grocers' shops should not be open before eight o'clock in the morning, which is the rule at present, and that they should also close at eight o'clock in the evening.

6046. The present rule is that they cannot open for the sale of liquors before eight o'clock, but they can open earlier for the sale of other commodities?—I would not have them open for any purpose.

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6047. Do they, in point of fact, open for any other purpose in Dundee?—No, they do not.

6048. Have they any general hour for closing?—There are none that open before eight in the morning—I have a return on this subject—and there are none that keep open after eleven o'clock.

6049. They cannot keep open after eleven o'clock, but do any of them close before eleven?—Yes, out of the 196 there are 183 that close between eight and ten, except on Saturdays; and there are 13 that keep open till between ten and eleven.

6050. Do they keep open later than eight o'clock on Saturdays?—Yes, they all keep open later.

6051. Till when?—I have no return upon that point.

6052. Have you any apprehension that any greater reduction of licences than you have carried into effect now would have the result of leading to illicit traffic?—Well, so far as my observation goes, the point to which the magistrates have pressed the reduction has not increased the shebeening.

6053. Have you sheebening to any extent, do you think?—We have sheebening to a very considerable extent, but I do not think there is any evidence that it is on the increase by the action of the magistrates in reducing the number of licensed houses. I have a return here, which will bring the matter more clearly before you. According to that return, sheebening reached its maximum in 1863, when there were 92 convictions. In 1864 there were 70, and then it decreased, till in 1871 there were only 30; in 1874 there was an increase to 51. In 1875 there were 49; in 1876, 53; and this year 30. I have another return that bears somewhat upon the same question. I have a return here of the number of persons apprehended and brought to the police office between the hours of 8 A.M. on Sunday morning and 8 A.M. on Monday morning, which is a return that indicates somewhat clearly the fact, that sheebening is not on the increase in Dundee. The total number of persons apprehended between those hours, from the 1st of January of the present year to the 21st of the present month inclusive, was 268, and the number of those who were in a state of intoxication was 100. When I state that 268 persons were apprehended, I mean that they were apprehended for every kind of offence within the hours named; the average is under three persons apprehended in a state of intoxication each day.

6054. Would some of those cases be repetitions of the same offence by the same individual?—Well, the three persons would be separate individuals. There is also a return which I should like to present to you, on a subject with which the magistrates of Dundee are very much concerned. We have a class of habitual offenders in Dundee, and that class is on the increase.

6055. In what way are they habitual offenders?—In the way of drunkenness and breaches of the peace.

6056. You mean breaches of the peace occasioned by drunkenness?—Yes. And we are very desirous that something should be done to remedy that state of matters. I shall give you one or two instances of that. I may give you an instance in which the offender is almost invariably an offender by breach of the peace.

6057. That matter scarcely comes within the subject of our inquiry?—Yes, but it is very important. There is one case where, in the course of four years and nine months, one individual has been 1338 days in prison, or a period of three years and eight months.

6058. *Sheriff Crichton.*—All the sentences being under 60 days?—60 days and under. I have another case here—a remarkable one—of drunkenness only, for which we can only give seven days' imprisonment, and in this case one individual has been 343 days in prison, in periods of seven days at a time.

6059. *The Chairman.*—Have you any means of conjecturing where those persons got the drink; whether it was in publichouses, grocers' shops, or shebeens?—No; but it was not in shebeens, in my opinion.

6060. To revert to what you spoke of—viz., the apprehensions on Sunday—have you any evidence that any number of the persons who are found the worse of liquor on Sunday had got the liquor in grocers'

premises?—We are rather inclined to think that all those found the worse of drink between the hours I have mentioned got the drink in shebeens. I have no evidence and no reason for suspecting that it is got in grocers' premises.

6061. *Mr M'Lagan.*—Might they not get the drink on the Saturday night, and consume it on the Sunday in their own houses?—Yes, they might.

6062. *Sheriff Crichton.*—But people who get drunk in their own houses do not generally come out to exhibit themselves?—No; but really there are very few of those Sunday cases; there are not three cases on an average for each Sunday of persons apprehended the worse of drink. The gross number of persons apprehended are for all offences.

6063. *The Chairman.*—It has been suggested that a minimum rent for grocers' shops should be fixed according to population; would that work at all in Dundee?—It has not been spoken of in Dundee.

6064. But would it answer in Dundee at all?—I am afraid it would not answer in Dundee, in consequence of the very great variation in the value of property inside and outside of the burgh. There is one other matter of some importance from a magistrate's point of view, that I should like to bring before you. We have licences granted for wholesale houses in Dundee. There are 40 of these altogether. There are 18 for the sale of spirits, 5 for spirits and wines, and so on, and of the above 40 there are 8 that also hold grocers' licences, and 9 that hold publicans' licences. The magistrates are of opinion that no licences should be granted even for wholesale trade unless through the magistrates, so that they may have the entire control of the licences of every class in the town.

6065. But those who hold a grocers' licence must go to the magistrates?—Yes, but they hold the wholesale licence over and above the grocers' licence, and there is a practice which the magistrates believe prevails, probably universally, in all the first-class grocers' shops in Dundee, and that is what we may regard as sampling spirits and wine. That forms a difficulty both with the superintendent of police, with the constables, and with the magistrates. Their difficulty is to know whether it has really been a *bona fide* case of sampling for the purpose of making a purchase, or whether it is to be regarded as a breach of certificate.

6066. You find it difficult as a magistrate to say that a *bona fide* case of sampling is a breach of certificate?—Yes.

6067. On the other hand I suppose you think that if you found it was not, it might lead to evasion of the law by persons going in and pretending they wanted a sample who really wanted a dram?—Yes. The words in the certificate are, 'That they do not traffic in, or give any spirits, &c., to be drunk or consumed on the premises.' Now, for myself, I should be very loath to give way to allow sampling to take place generally, even in wholesale houses—at any rate under a grocer's licence—because in that case my impression is that it would be next to impossible for the magistrates to find the power of convicting any one.

6068. Then you would make the law quite clear that giving samples was a breach of certificate?—I would not allow it in any case unless where a publichouse licence is held along with a wholesale licence.

6069. Of course where the publichouse licence is held it is not illegal?—Just so.

6070. And you think it should be made clear that to give a sample under a grocer's licence is illegal?—Yes.

6071. Would you not allow sampling if the purchaser was to buy a considerable quantity?—Yes; but our difficulty is to know whether such is the case or not.

6072. Suppose a man wants to buy a considerable quantity—say several gallons—would it not be fair that he should be allowed to try it?—I do not say that it would not be fair. I would not give any positive answer on that question, only, from a magistrate's point of view, were such allowed, I feel quite sure that the evidence brought before the magistrates would be on each occasion of such a nature that they would not be able to convict, although it was a case for conviction.

6073. *Sheriff Crichton*.—In fact, what you want is, that a wholesale licence should not be granted except through the intervention of the magistrates?—Yes.

6074. *Mr Campbell Swinton*.—The proper remedy for the difficulty about sampling would be that a man should take his sample home and test it there?—Perfectly; any person desiring to make a large purchase could have samples of various kinds of wine or various kinds of spirits sent home to his house, and he could sample them there. There is one other point in connection with the grocer's licence—indeed, in connection with all licences, but especially with the grocers'. I have a strong opinion that spirits should be kept at least two years in bond before anybody is allowed to sell it.

6075. *The Chairman*.—We have ample evidence to the effect that it requires that time to make spirits really wholesome, and you concur with that view?—Yes, I concur with that view very strongly. I do not know whether it comes within the scope of the present inquiry, but I have just been giving evidence, with reference to the action of the magistrates of Dundee in refusing to renew a licence after a first conviction. I have stated that that has had a very deterrent effect in Dundee, and has done an immense amount of good, in my opinion, and in the opinion of the magistrates generally, but I should like very much that it were not in the power of any other court to overturn the action of the magistrates in that direction. Those cases, as you know, may be appealed to the quarter sessions. No refusal to grant a certificate to a new house can be appealed now, but those cases may and invariably are appealed, and I find that out of the number which have been refused by the magistrates a very considerable proportion have been given back at the quarter sessions.

6076. You think, then, that there is an external canvassing of the justices to induce them to go and attend the sessions on such occasions?—I believe there is to some extent canvassing, and very possibly there may be the same for the purpose of supporting the decision of the magistrates.

6077. *Mr Campbell Swinton*.—Canvassing on both sides?—Yes.

6078. *The Chairman*.—Then you would approve of the provisions of Dr Cameron's Act excluding the appeal being extended to the renewing of old certificates as well as to the granting of new ones?—Yes. That confirmation court instituted in Dr Cameron's Bill seems to me to be a somewhat useless if not unworkable court altogether. During the two years it has been in operation here, there were last year two failures to find a quorum, and this year there has been one failure already, and whether we will succeed in getting a quorum next week or not I do not know. The local magistrates are always present to perform their part of the duty, but the justices appointed by the county are not. I should like very much if the matter were left to the magistrates, because they are the best judges as to whether a certificate should be renewed after a person has been deprived of it, and their action should not be interfered with by any other court.

6079. *Mr Campbell Swinton*.—And you would disapprove of that provision of Dr Cameron's Act in reference to the court of review?—Yes, I disapprove of that.

6080. To go back for a moment to the question of hours,—you spoke of the hours at which grocers generally close; would you approve of their being restricted even on Saturday nights? Is there any reason why they should keep open on Saturdays longer than on any other day?—I do not see any reason why they should, because the workpeople have the half holiday, and are away from their employment by one o'clock in the afternoon. I see no reason why the grocers' shops should be kept open longer on Saturday than on any other day.

6081. It is a mere habit into which working people have got of not buying their groceries or what they want until a very late hour?—A mere habit.

6082. There is no necessity for it?—None.

6083. Then you would not disapprove of the licensed grocers being compelled to shut at 8 o'clock all the week

round?—I would not; I think it would be a very great improvement.

6084. *The Chairman*.—Do you find that the licensed grocers generally keep open longer than the unlicensed?—I am not prepared to answer that very positively. I have not made that a matter of observation, but I should think they must do so, because a very great proportion of the grocers holding licences in Dundee keep open till between 8 and 10.

6085. You say that, in the interest of the public, you would close the licensed grocers' shops at 8 o'clock in the evening by law. But then the unlicensed grocers would keep open their shops as late as they pleased?—Yes.

6086. Then you would consider the obligation upon the licensed grocers to close early as some consideration which he would be giving for his valuable licence, or how would you reconcile that with fairness as between the licensed and unlicensed grocer?—I think there is much more danger of offences being committed in later hours of the evening than there would be in earlier hours.

6087. Then you would say that if a man had a licence he should submit to certain restrictions that do not apply to his neighbours?—Yes.

6088. *Mr Campbell Swinton*.—Going back for a moment to the licensing court—do you approve of the practice by which burgh magistrates can sit in judgment on appeals as to their own decisions?—Yes, I do.

6089. You do not think any evil arises from it?—No, I have not found that any evil arises from it.

6090. *The Chairman*.—Have you any other general suggestions to make?—I have no other general suggestions.

6091. *Mr M'Lagan*.—Do any of the grocers of Dundee send round carts to hawk spirits through the country?—I have no information bearing upon that point at all. That is a very important matter, but I have no information with reference to it; it has not come under my personal observation.

6092. You made the general statement that there had been an increase of drunkenness between 1866 and 1877. Can you give us any idea as to the percentage of the increase?—Yes. In 1867 the total number of persons charged with drunkenness was 1147; the population during that year was 108,808, indicating one out of every 95 of the population charged with the offence of drunkenness. That, of course, includes very many who are habitual drunkards. In 1876 there were 1612 persons charged with drunkenness, the population that year being 139,125, indicating one person in every 86 of the population charged with drunkenness. But as I have already stated the magistrates account for that very much by the fact that the policemen are more able now to discharge their duty, in consequence of our having four district stations in the town.

6093. Do you think that the increase in the number of convictions may have arisen in some measure from there being more of those habitual drunkards?—My impression is, that we have more habitual drunkards proportionally to the population than we had in 1867.

6094. And that would be one of the causes of the increase?—Yes.

6095. I would like to know more clearly your opinion regarding the appeal to the committee of the justices. Would you insist upon the burgh magistrates having no appeal to themselves in every case, or only in the case you mention? In the case of new licences do you think there should be an appeal from the burgh magistrates to themselves?—There is no appeal from the burgh magistrates just now in the case of refusal of new licences. Dr Cameron's Bill did away with that. All those appeals previous to his Bill went to the quarter sessions. That is now done away with by the bill, and I should like if there were no appeals from the decisions of the magistrates in reference to premises already licensed—that the provisions of Dr Cameron's Bill should apply to every case.

6096. *Mr Campbell Swinton*.—When you spoke of the grocers closing at 8, would you think it necessary to make the same rule applicable to publicans, or would you think it fair that they should be allowed to keep

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open to a later hour?—I would suggest that the public-house should be closed at 10 o'clock, being an hour earlier than at the present time.

David Dewar.

217. DAVID DEWAR, Superintendent of Police, Dundee, examined.

6097. *The Chairman*.—How long have you been superintendent of police in Dundee?—For twelve months.

6098. You have heard the evidence given by the Provost?—I have.

6099. Can you say if you generally concur in that evidence?—I concur with him in every respect.

6100. Have you anything to add to his suggestions, or his observations upon the question generally?—I have not.

6101. *Sheriff Crichton*.—Where were you before you came to Dundee?—In Greenock. I was superintendent of police there for thirteen years.

6102. *The Chairman*.—What experience have you of married women obtaining liquor from grocers without the knowledge of their husbands? Have any such cases come under your notice?—Very few cases of that kind have come under my notice during my experience.

6103. *Mr Ferguson*.—But you have met with some cases?—There have been some isolated cases.

6104. *Mr Campbell Swinton*.—Here, or at Greenock?—At Greenock.

6105. *The Chairman*.—From the answers which you have sent to our circular of questions I see you do not think that drunkenness is increased by the facilities given through grocers' licences of obtaining liquor to be drunk at home?—I am still of that opinion.

6106.—We have been told that many persons who would cease to drink when the publichouses are closed, from the encouragement given by the grocers' licences for the supply of liquor on Saturday night, carry the drinking on into Sunday, and so to some extent the Forbes M'Kenzie Act is nullified. Now, is that your experience?—Well, I have no doubt that very considerable quantities of intoxicating liquors are procured in grocers' shops on the Saturdays when the working classes receive their pay, but so far as apprehensions for drunkenness are concerned, I may mention, with regard to persons who are apprehended for being drunk and incapable, and are brought to the police-office, that it is very common to find a small bottle containing whisky in their pockets, and those bottles much more frequently have the label of a publican upon them than they have the label of a grocer; in fact, it is very seldom that they have the label of a grocer upon them.

6107. We were told at Edinburgh by your predecessor, and I think the provost has given the same opinion, that the strictness of the magistrates of Dundee has had the effect of reducing irregularities that formerly prevailed amongst the licensed grocers?—I have no doubt that is correct.

6108. And you have no reason to believe from the reports of your officers that there is any considerable evasion of the law by the licensed grocers in your district?—I recently requested the lieutenants, inspectors, and sergeants of the police force here to furnish me with a note of the names and addresses of grocers whom they suspected of allowing drink to be consumed on their premises, and from the returns so furnished I find there are no fewer than between twenty and thirty per cent. of the licensed grocers in Dundee who are suspected of allowing drink to be consumed on their premises. Of course that is the accumulated suspicion of every member of the police force, because the sergeants in turn consulted with the constables on the various beats.

6109. To what do they attribute the difficulty of detecting cases which they suspected?—The police, of course, are not allowed in the meantime to enter a grocer's shop to make an inspection unless they have good reason to believe that a contravention of the certificate is being committed at the time. They occasionally enter—in fact, certain cases have occurred within the

last few weeks where the police have entered grocers' shops in town, and it turned out that though they saw certain parties going in, and suspected in several instances that they were obtaining liquor, they were either too late or too early.

6110. The liquor was either drunk or not drunk?—Yes. I may mention that I made an inspection of a good many grocers' shops in town recently, having this inquiry in view, and I had to ask leave of the grocers to inspect their premises, because I had no right to enter.

6111. Do many of the licensed grocers have their windows obscured so that you cannot see what is going on inside?—The majority of them have.

6112. How are they obscured?—Chiefly with goods, and some with opaque glass.

6113. *Mr Campbell Swinton*.—Then with respect to your difficulty in having to ask leave of the grocers to inspect their premises, your remedy would be that the police should have the same facilities for entering a grocer's shop as they have for entering a publichouse?—Yes.

6114. *Mr M'Lagan*.—In those cases where you asked liberty from the grocer, had you any reason to believe that the law was evaded?—I had not.

6115. *The Chairman*.—Do you think that an obligation to sell no liquor except in sealed bottles and to have no cask on tap in the shop would be effectual?—Well, it would have certain advantages undoubtedly.

6116. Do you think it would tend to make it more difficult to sell liquor to be consumed on the premises?—There is no doubt it would.

6117. Some of the grocers say it would interfere with a large part of their business—that the working people like to see the liquor filled into the bottles which they bring?—Yes, that is their view of the matter.

6118. Can you see any other way of stopping the giving of liquor over the counter to be drunk on the spot?—I think it would be a very great improvement, as the provost has mentioned, if the area of the shop were open to the view of every customer who entered, and if there were no back room or side room.

6119. *Mr Campbell Swinton*.—And open not only to every customer inside, but to the view of the officers of police outside?—Yes, to officers of police outside as well.

6120. *Sheriff Crichton*.—Does the practice to any extent prevail in Dundee of treating the police?—It does not, I believe, to any extent.

6121. What was your experience of that in Greenock?—The grocers in Greenock were a very respectable class on the whole.

6122. And that practice did not prevail there to any extent?—It did not.

6123. There is a provision in the Act which requires that when persons are seen coming out of any premises in a state of intoxication the matter should be reported; is that attended to in Dundee?—Well, there have been very few reports made.

6124. Have the police constables instructions to do so?—They have instructions to report if they see persons coming frequently out of licensed premises in a state of intoxication.

6125. They do not report when they see the thing occurring for the first time?—No, the word in the Act is 'frequently.'

6126. What do you consider 'frequently'?—Three times, I should say, would amount to 'frequently.'

6127. Had the police in Greenock the same instructions?—The same instructions were issued to the police there, and we had reports occasionally, and when the licensing court came round the persons against whom reports had been made were admonished by the magistrates.

6128. *Mr Ferguson*.—You told us that there were from 20 to 30 licensed grocers whom your officers had reason to suspect permitted drinking on the premises. Was that drinking carried on to a sufficient extent to enable the officers to inspect the premises, or was it just general suspicion?—They are only entitled to enter premises at the time an offence is being committed.

6129. I am aware of that. Then what you refer to

in those 20 or 30 instances was not any particular cases?—Not particular cases, but a general suspicion.

6130. *Sheriff Crichton*.—Your experience in Greenock as well as in Dundee enables you to concur with the suggestions that have been made by the provost? You are taking your experience in both places in coming to the same conclusion to which the provost has come with regard to the points you have been asked about?—Yes, and I also had experience in the Glasgow and Lanarkshire police. My whole experience extends over 19 years.

6131. And the conclusion at which you have arrived is founded on your whole experience?—Yes.

6132. *Mr Campbell Swinton*.—Giving us a general view founded on your whole experience, do you think it would be advisable to separate the trade of grocer and the trade of spirit seller?—I am not prepared to say so.

6133. I suppose the danger that might arise from that would be the increasing of the traffic to the public-houses?—Yes.

6134. And that as great, if not greater evils arise in your opinion, from men resorting to the publichouse as from men buying liquor at the grocer's shop?—There is no doubt of it.

6135. You do not think that buying liquor at the grocer's, and taking it home to drink it there, is more deleterious to the morals of the people than drinking in public houses?—I do not.

6136. You also think there would be some danger, if people could only get drink at the publichouse, that instead of taking it home, they would go in and drink more than they would otherwise drink?—That is so; and the companionship formed there would not be conducive to morality. It is quite common for men and women unacquainted with each other to meet in rooms in publichouses in this town. Young women go in bands to publichouses here.

6137. Then you do not agree with those who say that women who would not be seen entering a publichouse go without any scruple to buy liquor at a grocer's?—There is no doubt that a number of women go to the grocer's shop who would not care about going to the publichouse, but then there is another class who flock to the publichouse.

6138. *Mr M'Lagan*.—Do you not think that the police would have less difficulty in carrying out the provisions of the law if the licence to sell spirits were separated from the grocery business?—There is no doubt they would, if the licence were confined to one special class.

6139. Even though the police had the same power as to inspecting grocers' premises which they have as to inspecting publichouses, do you think that they would be able as easily to have convictions against grocers as they have against publichouses?—Of course, the numbers would be considerably reduced, in the event of grocers' licences being abolished, and therefore the police would have less difficulty in watching the houses.

6140. But it does not necessarily follow that the numbers would be reduced. The licences might be given to different parties?—If the licences were not reduced, there would be very little difference, I should say, so far as the discharge of that duty would be concerned.

6141. *Mr Campbell Swinton*.—Is it not also the case, that the offences which can be committed by a licensed grocer are more numerous than those which can be committed by a publican, inasmuch as the publican can only be convicted for keeping open at unseasonable hours, or allowing drunk people to be upon his premises, whereas the grocer can also be convicted for selling for consumption on the premises? The number of breaches of certificate which the grocer may commit is therefore increased?—Yes; and in that respect the watching requires to be somewhat more.

218. Mr WILLIAM KEITH, Chief Constable of Forfarshire, examined.

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6142. *The Chairman*.—You have told us that the number of licensed grocers in your county has increased from 12 in 1860 to 23 in 1865, 33 in 1870, and 29 in 1875, while the licensed hotels and publichouses have decreased from 103 in 1860 to 69 in 1875, the tendency of the magistrates during the last few years being to reduce the number of licences of all kinds. Then, I would ask you how it comes that if there be a tendency to reduce the number of grocers' licences, they have so much increased?—The tendency does not exist so much in regard to grocers' licences, but there are two or three fewer than there were, because they have been reduced from 28 or 29 to 25 in the last year.

6143. Well, they have been reduced in the last few years?—But not in the same proportion.

6144. And there was a greater increase before that? Yes.

6145. Was there any opinion in Forfarshire previous to the beginning of this reduction, that there was not so much harm in the grocers' licences?—There is still to some extent that opinion, and the magistrates are more ready to grant grocers' licences than publichouse licences.

6146. Have you ever known a man ask for a public-house licence and get a grocers' licence?—Yes.

6147. Sometimes?—Occasionally. I may mention that there are seven licensing districts in this county.

6148. Then, is the action all uniform?—It is not uniform by any means. There are some districts where almost no application is refused, and there are others where there is a proper disposition to reduce the licences, more especially in the Dundee district, where there is a large bench of justices, and for the last few years they have been reducing the licences in this district especially. There are other districts where probably no more than two or three justices can be got to sit on the licensing court, and, generally speaking, in those cases there is not so much disposition to restrict the number.

6149. This year, since Dr Cameron's Act came into force, has the Licensing Committee of the County disallowed licences in those districts where they are most numerous?—There has not been much opportunity of making a difference during the last year. There is no appeal under Dr Cameron's Act with respect to new licences, and consequently there has been, I think, no confirmation.

6150. In the cases where a man applied for a public-house licence and got a grocer's licence, had the individuals been grocers previously or not?—In the most recent case he was not a grocer.

6151. Then he had just opened a spirit shop?—He had a spirit shop, and the justices took the licence for that away and gave him a grocer's licence instead.

6152. But when I speak of a spirit shop I do not mean a publichouse. He had a publichouse licence, and they took that away and gave him a grocer's licence, but that was really only a licence to sell liquors not to be consumed on the premises, because he was not a grocer at all?—Practically that is the case, but since he got the grocer's licence he has sold some groceries. There have not been many of those cases, but just one now and again.

6153. Now, what has been your experience of the working of the grocer's licence? Has it tended to increase drinking in the districts where the licence is freely given?—I think there is more drinking among females—and the liquor is mostly got from grocers' shops—than there used to be, but I do not know that otherwise drinking generally has much increased.

6154. But in your observation you think it has increased among females?—I think it has.

6155. Have you heard complaints of that sort?—Not particularly. I speak just from my own observation and that of the officers under me.

6156. Have there been many cases of breach of certificate by grocers in Forfarshire?—Not many; I think there were two last year and two the year before.

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6157. Have you had any reason to suspect that they were breaking their certificates?—Yes, I have not the slightest doubt about that, but it is difficult to make a detection.

6158. Have you some of the large towns of Forfarshire under your charge?—No; Broughty Ferry is the largest place, and is the only burgh under my charge; the other places are villages of from 1500 to 2000 of a population.

6159. Then the licensed grocers in villages are of a very much smaller class than the large tradesmen we see in towns?—Very much smaller.

6160. And doing what is called a family business?—Just a small country business.

6161. Would you recommend the abolition of the grocer's licence, and the giving of a licence to sell drink separately, or do you think that the law might be strengthened so that the trade as it at present stands could be carried on without mischief?—I do not see any good reason, so far as my experience goes, to separate the businesses unless there were to be a single licence, viz., the publichouse licence. If persons were to be licensed as grocers to sell for consumption off the premises, that would be as readily and frequently evaded as it is now.

6162. *Mr Campbell Swinton.*—By grocer you mean spirit-dealer?—Exactly; if you were to have a licence to sell only for consumption off the premises, I think the proper way would be to have a publichouse licence only. It would be much more easily supervised in all respects.

6163. *The Chairman.*—But do you think it is desirable that the two trades should be separated?—Yes; and with regard to the difficulties that are referred to, in my opinion the trade would soon adapt itself to the requirements of the public in a respectable way, and the people who would not go to publichouses as they are, might go to separate compartments, or something like that, while nevertheless the licence would be just a publichouse licence, which would enable them to sell for consumption either on or off the premises. I think the trade would adapt itself to the public requirements in that respect.

6164. You think it should be a condition of the publichouse licence that there should be a private entrance for those who wish to buy for consumption at home?—That might be made a condition of the licence.

6165. Are there many grocers in Forfarshire who send out liquor in carts?—I don't think there are any who actually hawk liquor about. There are grocers who send out a cart once a week; but I do not think that any evils arise from that, so far as I know. They send out spirits, porter, and ale, but I think the liquor is ordered beforehand.

6166. You never had any case of hawking among grocers?—Not any; but there are grocers, not only in Dundee but in other burghs, such as Arbroath, who send out a cart once a week to the country; but I think, generally speaking, the goods are ordered beforehand.

6167. Probably the farmers and the superior classes think they get better articles from the grocers in the town?—Yes; they order them in the town on market-days, and the goods are sent out at convenience.

6168. How long have you been chief constable?—For fourteen years in this county. I was five years in Ayrshire as deputy chief constable, and four years in East Lothian.

6169. *Mr Campbell Swinton.*—Then the general opinions you have given us are founded on your experience in the various places where you have been?—Yes. With regard to the hours of licensed grocers, I agree with the other witnesses that those hours ought to be shortened. The licensing court in this district determined to contract the hours for the publichouses to ten o'clock. They did so for the burgh of Broughty Ferry, as a district under the Act; but, in carrying that out, they found they had no control over the grocers, and on Saturdays, when the publichouses were shut at ten o'clock, the grocers kept open till eleven; and after a very short experience the ten o'clock rule ceased to be in force.

6170. *Sheriff Orichton.*—How long did it continue?

—Not very long. It was only resolved upon for one year, and it was found that they could not enforce it.

6171. There was not sufficient experience of it to say whether it had any good effect or not?—There was not. The justices grant the licences, but the magistrates deal with cases of offences, and the magistrates declined to convict the first case brought up for keeping open after the hour. From that time forward a few of the publichouses did, for a year, continue to shut, and my belief from hearsay is that they would have been very glad, if the grocers had also shut, to have limited their hour to ten o'clock.

6172. But you cannot tell whether the closing at ten o'clock had a good or bad effect upon the population?—There was not sufficient experience of it to show.

6173. *Mr Campbell Swinton.*—Would you approve of the grocers being compelled to shut earlier than the publichouses?—I do not see any good reason why they should be compelled to shut earlier; but I think that the power of the justices just now to fix the hour earlier than 11 o'clock should apply also to the grocers, and in some districts I think they would be very much disposed to fix the hour earlier than 11 o'clock.

219. Mr JOHN WELSH, Superintendent of Police of the City of Perth, examined.

6174. *The Chairman.*—How long have you held your present office?—For more than sixteen years. I was previously for nine years in Greenock, in various offices.

6175. You have told us in your written answers that there were, in 1862, 40 licensed dealers in Perth. Does that mean licensed grocers?—Yes.

6176. Of whom 10 did not sell groceries. At present there are 40, of whom 9 do not sell groceries. How many hotels and publichouses are there?—I made out a table with reference to that for various periods. In 1863, taking the first year after the present Act came into force, at the first licensing court day of April, there were within the present boundaries 39 innkeepers, 59 publichouse keepers, and 39 dealers holding dealers' certificates, nine of them not being grocers. In 1870 there were 29 innkeepers, 60 publichouse keepers, and 42 dealers. In 1877 there were 27 innkeepers, 39 publichouse keepers (including the canteen at the barracks), and 40 dealers, one of whom holds a table beer licence.

6177. *Mr Campbell Swinton.*—You do not distinguish between dealers and grocers?—There are 8 licensed dealers who do not sell groceries.

6178. *The Chairman.*—Are they generally in a larger or smaller way of business than the grocers?—They are all wholesale merchants, and 1 of the 8 has a dealer's licence for selling ale, being attached to a brewery.

6179. Are your licensed grocers generally conducting their business according to their certificates, so far as you know?—The greater portion of them are; but there are a number who do not—at least I think so.

6180. Your information is that a certain number do commit breaches of their certificates?—Yes. I have a table here of the convictions since 1862, the total number during the whole time being 13.

6181. Is it the opinion of your officers that irregularity does go on which they cannot detect?—Oh, yes; there is no doubt of that.

6182. What does that irregularity generally consist of?—It consists of the opportunities which grocers have of being able in a moment to draw liquor from their casks to be consumed on the premises; and from the fact that unless the police constables are placed in certain positions to watch and see characters well known to take liquor at other times, they have no right to enter the premises. It is a mere matter of chance,—if they happen to hit on the time when it is going on, good and well, because we must prove consumption on the premises, or no conviction can take place.

6183. There is a great temptation to the small dealer

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to indulge his customers by selling drink across the counter?—There is no doubt of that.

6184. Do you suspect them of giving liquor outside the publichouse hours—before and after the publichouses open and close?—In Perth the greater proportion of the grocers shut early, Saturdays as well as other days; but there are a number who keep their shops open after 11 o'clock. Indeed, I have cautioned some of them coming out of their premises on Sunday morning.

6185. You suspect people coming out of their premises?—No, it was the parties keeping the place who were themselves coming out.

6186. Is it your belief that those shops are kept open late for drinking purposes?—Yes, that is my belief—for the sale of liquor, at any rate.

6187. Then your opinion would be that if they held a licence they should be obliged to close altogether at the publichouse hours?—I think they ought to close before that. So far as Perth is concerned, I think the greater proportion of the grocers shut at 7 or 8 o'clock, and the licensed grocers ought to shut early too.

6188. But if you compel the licensed grocer to shut before the publichouse shuts, would not it just transfer some of his business to the publichouse?—Yes, provided you allowed the dealer to sell in small quantities, which I think ought not to be done.

6189. What is the smallest quantity you think he ought to sell?—I think if the licensed grocers were allowed only to sell liquor in quart bottles it would have a tendency to stop women from getting drink in a smuggled way, without their husbands' knowledge, and would bring the trade up to the highest pitch of respectability, and root out all those parties who are now under the suspicion of the police, who keep small grocers' shops that they may purposely get the extra gains from the sale of liquor.

6190. We are told by some of the grocers that a very profitable part of their business is selling liquor in small quantities?—I believe that.

6191. But you think that is not a legitimate part of the grocery trade?—I do not think it is. I think, so far as a grocer is concerned, that if his business requires it he should have a licence. If it can be shown to the magistrates that he is a man of good character; that his premises are suitable; and that his business demands he should have a licence to supply his family customers, I do not see why he should not get it. I have often seen the magistrates placed in a very difficult position, when two respectable men came and asked a retail licence. There was no difference between them, either as to character, premises, or anything else, but the one would get it and the other would not. Now, in a matter of that kind, the magistrates lay themselves open to the charge of partiality.

6192. Exactly; but where would you draw the line, because at present, no doubt, a very large number of grocers would take the licence if they could get it; where would you draw the line to limit the number?—The line I would draw is this: I would allow the applicant to show that his business required a licence. If he could not show such to be the case to the magistrates, I would not grant it; but if he did so, I would allow him to have it.

6193. What do you mean by his business requiring it?—That is to say, if he had a family trade. All the argument which the grocers use in going before the magistrates is, that they have a large family trade, and that they require the licence for their family trade. If that can be proven, there is no reason why they should not get it.

6194. But there are two ways in which a man might require it; the one that his customers wished to get their liquor at the same place where they get their groceries; and the other, that it would not pay him to keep his shop open unless he could sell drink as well as groceries?—If he was confined to selling in quart bottles, that would remedy the difficulty.

6195. But you think that a man might show the magistrates that he has a demand?—Yes; I think he ought to do so in every case.

6196. How would he show a demand if he were asking a licence for the first time?—He could not show that.

6197. *Mr Ferguson*.—Then you would refuse it in that case?—I would.

6198. You would refuse all applications for new licences?—Yes; until the man could show that he required it for his trade.

6199. But you said he could not show it in the case of a first application?—No; he could not, if he applied for a licence on beginning business.

6200. *Mr M'Lagan*.—How could he show it in any case?—There are various ways in which he could show it. He could show it either from his books, or by reference to his ready-cash customers; and the magistrates could ascertain through their clerk, or otherwise, whether his representations were true or not.

6201. That is in the case of a man who was already in business?—Yes.

6202. Then you would give no more new licences?—Not till a man could distinctly prove that he had a family trade, and required one; then I would give it.

6203. *Mr Campbell Swinton*.—Do you think your suggested rule, that grocers should not sell less than a quart bottle, would have any effect in inducing people to get more than they wanted, and take home more than they required, and therefore drink more at home?—I think it is quite possible that in some instances that might be done, but, at the same time, I am of opinion that the benefit which would accrue to the public by the restriction to a quart bottle would greatly outweigh any annoyance they might be put to.

6204. *The Chairman*.—Do you think that the proportion of population would be a fair test of the number of licences that should be held in a district?—I cannot answer that question. I have not considered it.

6205. Have you any other suggestions to make for the better regulation of the trade?—I think I have already stated what I chiefly had to say, so far as the grocery trade is concerned. No doubt if the police had liberty to visit grocers' shops, in some instances it would be a benefit; but in others, if it were carried on to any great extent, it would be an annoyance.

6206. And your cure would be, in the first place, limitation of hours; secondly, granting licences to people only in a considerable way of business; and thirdly, the limitation of the sale to quart bottles?—Yes.

6207. *Sheriff Crichton*.—You heard what Provost Robertson said about dwelling-houses being connected with shops: have you many grocers' shops in Perth connected with dwelling-houses?—There are very few.

6208. Have you any opinion whether living on the premises is a good or a bad thing?—They should not live on the premises.

6209. Can you tell us how many of the grocers in Perth do live on the premises?—No, I cannot; but there are very few of them.

6210. *The Chairman*.—Have you yourself had complaints made to you as to women getting drink at the grocers?—In police business we often come to know certain things in connection with that; but I could not give any particular instances to the Commissioners. It does come under our knowledge that women go to grocers' shops and obtain drink without the knowledge of their husbands.

6211. *Mr Campbell Swinton*.—Do you think that those women are of a class who would not go to the publichouse if they could not get the liquor at the grocers?—No, I do not think so; I think they would go anywhere rather than want it after they had learned the habit of drinking.

6212. Then you do not think that the grocer's licence is the cause of this increased drinking amongst women?—Under the present system I think it does increase it by allowing the sale of spirits in small quantities.

DUNDEE.

James
Stirling.

220. Mr JAMES STIRLING, Superintendent of Police Forfar, examined.

6213. How long have you been superintendent of police?—For ten years in Forfar; before that I was eight years in Dundee.

6214. You have told us, in your written answers, that the sale of spirits by grocers in your town is very extensive?—Yes.

6215. And there have been three new licences granted this year?—Yes.

6216. How many does that make in the town?—22.

6217. What is the population?—11,031.

6218. How many publichouses and hotels are there?—In 1876 there were 15 hotels, 30 publichouses, 3 licences for beer, porter, and ale only, and 16 licensed grocers?

6219. How many publichouses are there now?—30.

6220. Can you give us the numbers five years ago, or in any previous year?—In 1854 there were 64 licences, and we had exactly the same number in 1876. In 1871 there were 64 also, including 21 grocers.

6221. Are the magistrates keeping down the number of licences, or do they grant them to any grocer who applies?—In my experience they grant the licence to any grocer who applies; there are very few refused.

6222. Are licences held by some men who do a very small business?—Yes; that is so.

6223. Are there many grocers in Forfar who do not hold a licence? There are 9 co-operative societies, which do a very large business; mostly all the working people are members of them.

6224. Do they hold licences?—None of them do.

6225. Then I suppose some of the licensed grocers are doing what is called a family business?—That is so.

6226. A large business?—Yes.

6227. And some very small?—Very small indeed.

6228. Are there some living chiefly by the sale of spirits?—I believe so.

6229. What is the lowest rent of premises in Forfar occupied by a licensed grocer?—There are two under £10; eleven between £10 and £20; none between £20 and £30; three between £30 and £40, and none above that.

6230. Do you believe there are many evasions of the law committed by licensed grocers?—I believe there is a good deal of consumption on the premises.

6231. Is that confined to one class of them or another?—It is confined to the lowest class of grocers.

6232. Do you think you would get this business better conducted if there was a condition that the houses must be of a certain value?—That would reduce a large number of the licences; but I am not sure that it would remedy the evil of consumption on the premises.

6233. Do you attribute more mischief in the way of drinking habits to the grocers' shops than to the publichouses?—I do not think that the grocers' shops are more injurious than the publichouses.

6234. Would you say they were the reverse,—that any drinking that took place through the grocers' selling liquor was, on the whole, more orderly?—Yes; in the case of the respectable grocers—I mean the people who have respectable premises and a large business; but, in regard to the smaller grocers, I consider it is very injurious.

6235. Why do you think it is injurious?—Speaking of my own locality—Forfar—I think that where there are those co-operative societies, and where the working people all get their provisions at those establishments, there are a number of grocers' shops that do not have trade enough to support them in their regular business, and they have to stoop to do every low thing to get a livelihood—they stoop to break the law.

6236. Then it would appear that in Forfar the working classes prefer to get their groceries at places where there is no licence?—They are mostly all members of the co-operative societies.

6237. Mr Ferguson.—Would it be any hardship to separate the trades entirely in Forfar?—Well, as to the respectable grocers, I think it would be a hardship.

6238. Would it be a greater hardship to them than

it would be an advantage to the public generally to have it done?—I do not say that; but it would be a hardship to the individuals.

6239. *The Chairman*.—When I speak of separating the trades, I am not supposing that any sudden separation could possibly be entertained. Those who hold licences now would probably not be interfered with at all. I am pointing to a prospective state of matters. Supposing that all who hold licences now continued to hold them till some change took place in their business, would it be any hardship to prevent any new licences being granted to grocers?—It would be no hardship whatever.

6240. *Mr M'Lagan*.—Would it not be an advantage to those holding licences at present not to have any new licences given?—It would be a great advantage, no doubt. I believe they do not court people to come and ask them to give them drink to be consumed on the premises, but now I have good reason to believe that it is given freely.

6241. But what I mean is that if no more new licences were granted it would be creating a monopoly?—That is so.

6242. *The Chairman*.—What do you think should be done to prevent those breaches of certificate which you suspect?—Fine the people who break the certificate; but there is great difficulty in detecting them.

6243. Do you think they sell liquor after public-house hours?—I do not.

6244. Do you think they sell liquor on Sundays?—I do not.

6245. Then do you think they sell before eight o'clock in the morning?—No; they do not.

6246. It is just allowing drinking in the shop?—Allowing drinking in the back shop.

6247. Would you say that there should be no back shop?—I should say so.

6248. *Sheriff Crichton*.—Would you require any more police supervision—any more power to the police?—I think the power we already have is sufficient; it would be an annoyance to a respectable dealer if the police had the power to go into his shop and annoy him. At present, if we have reason to believe that there is a breach of certificate being committed we can go in and see whether that is the case.

6249. And you think that is sufficient?—I think it is sufficient.

6250. *Mr Campbell Swinton*.—Would it be any greater annoyance to a respectable grocer that you should have the power to enter his premises at any time than it is now to a respectable hotel-keeper?—I do not think it would be a greater hardship.

6251. You have the power just now to go into any hotel or publichouse?—Yes.

6252. Therefore, it would be no hardship to the grocer to put him on the same footing?—No hardship.

6253. *The Chairman*.—You say you would not allow any back shop. A grocer doing a large business must have a back shop; there must be extensive premises, and some part may not be seen from the front?—I say that in the shop there should be no screen, so that when you go in you should be able to see from the back to the front of the shop.

6254. *Mr Campbell Swinton*.—And I suppose you would only licence the front shop. You would not allow the place where goods are kept in store to be considered part of the licensed premises?—Certainly not.

6255. Do you think it would be an advantage if no casks were allowed to be kept in the front shop, so that no liquor could be sold on the tap?—It would send that class of trade to the public-house. I do not know that it would be any great advantage.

6256. *The Chairman*.—Why can you not put down the breaches of certificate that go on?—The difficulty I have is to get the parties detected. The police inspect the premises often, and they find parties sitting in the back shop. They find tumblers, bottles, and glasses on the table in front of the parties. Well, we summon them before the court, and try the case, but we generally find it is not proven, and so the police get dis-

heartened in reporting cases when they are always unsuccessful.

6257. The magistrates will not convict without the clearest evidence that you have seen drinking going on?—That is so.

6258. Do the magistrates take away the certificate after a first offence?—No.

6259. For a second offence?—No.

6260. *Mr Campbell Swinton*.—Never?—No; I mean for several years back.

6261. *Mr Ferguson*.—You have had no case of a certificate being suspended for several years?—No, not in virtue of convictions.

The Chairman.—But you have had the same party twice convicted?—We have.

6263. *Mr Campbell Swinton*.—After a third conviction they must take the licence away?—They must.

6264. And they never do it till they must?—No.

6265. *The Chairman*.—Is there anything else you would like to say?—I should only like to mention, that from 1864 to 1877 inclusive, the number of breaches of certificate reported on the part of grocers was 27, whereof convictions were obtained in 20 cases, and 7 cases were found not proven.

221. Mr GEORGE SHIELD, Provost of Arbroath, examined.

6266. *The Chairman*.—How long have you been provost?—For twelve months. I was a magistrate for a number of years previously.

6267. What is the number of licences held in your town just now?—107. There are 7 hotels, 43 public-houses, 49 grocers' licences, and 8 beer licences.

6268. What is the population?—About 20,000.

6269. Has the number of licensed houses increased or diminished of late years?—I think it has decreased.

6270. What is your rule with regard to licensing? Are the magistrates trying to reduce the number of licensed houses?—Yes, and they have been for a number of years back.

6271. Does that apply to grocers' licences as well as other kinds?—I do not know it applies to grocers so much as to smaller public-houses and unsuitable houses. Some have been licensed for a great many years, and these are found unsuitable, and the new tenant is generally refused the licence.

6272. But with regard to grocers, do you generally give licences if you are satisfied with the party applying?—There is very strict inquiry made as to the character of the applicant and the suitability of the premises. We generally give the licence if matters are found satisfactory in these respects.

6273. Do you feel that there is a difficulty in refusing the licence to one and granting it to another?—Yes, a great difficulty.

6274. Do you think that the majority of your grocers have licences?—The whole of them have licences, with exception of some of the co-operative associations.—I think there is only one grocer in a large way who is not licensed.

6275. Do you think they generally conduct their business according to law?—I think so.

6276. How many co-operative stores are there?—There are three different associations, and some of them have two shops each.

6277. Do they do a large business?—Some of them do a large business.

6278. Is it your opinion that the working people generally prefer to buy their groceries at the co-operative stores?—I am not prepared to say that, but a great many do go there.

6279. Are the co-operative stores mainly supported by the working classes?—Yes.

6280. Do you think that any practical evils arise from the sale of spirits by grocers?—I do not think so.

6281. Do you think it is desirable that the trades

should be connected?—I do not know any reason why they should be separated.

6282. One of the objections that has been urged before this commission to the union of the trades is that it tends to the multiplication of places at which drink can be procured, seeing that magistrates do not like to refuse a licence to respectable applicants; and that hence by increasing the opportunities for drinking, it leads to an increase of drinking?—I do not think, though you lessened the number of public houses, it would diminish the sale of spirits.

6283. You do not think that by reducing the number of houses you reduce the sale?—No, I do not think so.

6284. Do you think that from spirits being procurable at the grocer's shop, it leads many people to drink who would not otherwise do so?—I do not think so. Families prefer to get their spirits and wines where they get their groceries.

6285. I am asked to put this question to you: whether you think that the co-operative stores are supported by the working people because they get a share of the profits?—Yes, they must be members.

6286. And if they are making profits it is to themselves?—Yes, they must divide a considerable amount of profit.

6287. And they belong to working people, and are used by working people?—Yes, and those people are almost compelled to go to the stores where they are shareholders.

6288. *Mr Ferguson*.—And those stores, we understand, are all unlicensed?—Yes.

6289. Then they must find it pays them a very handsome profit to buy and sell groceries without a licence?—They do all sorts of business—for instance, they have a large baking business.

6290. *Mr M'Lagan*.—Do you know if they have ever made application for a licence?—Not that I am aware of.

6291. *The Chairman*.—Then it is the opinion of you and your brother magistrates that the real thing to be done is to reduce the number of small public houses, and to let respectable grocers have the licence?—That is the opinion of my brother magistrates as well as my own opinion.

6292. *Mr Campbell Swinton*.—Is it within your experience, or have you any means of knowing whether cases of drunkenness that do occur are occasioned by drink being got at the grocer's or publichouse?—I think at the publichouse.

6293. *The Chairman*.—Have you had any cases before you in the Small Debt Court of payment of grocers' accounts being refused by men on account of drink being charged in them?—I never heard of that.

6294. Or on account of drink being put under another name?—That is unknown in Arbroath.

6295. Is there any other matter you would like to state to us?—Nothing, but that I concur with Provost Robertson that the hours should be shortened, both in the case of the small publichouses and the small grocers' shops. I think an improvement might be made in that respect.

6296. You could not shorten the hours for one scale of house and not for another; it would need to be all round?—Yes.

6297. But you think that the grocers ought not to be allowed to keep their premises open after publichouse hours?—No, I think they should be shut before the publichouses.

6298. *Mr Campbell Swinton*.—Is there any necessity for grocers keeping their shops open later than seven or eight o'clock for legitimate trade?—There is no reason further than that they take the chance of customers who perhaps might go to some of the larger shops.

6299. And there is no reason why the working classes should not get their groceries at an earlier hour?—There is no reason why they should not.

DUNDEE.

222. The Right Hon. Lord KINNAIRD, K.T., Lord Lieutenant of Perthshire, examined.

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Lord
Kinnaird.

6300. *The Chairman.*—I need hardly ask you whether you have for a long period taken an interest in the licensing question?—Yes, for a considerable time.

6301. I think you were perhaps the originator of the legislation of 1853?—In 1851, I think, I introduced a bill into the House of Lords, carried it through the House of Lords, and then gave it to the leader or one of the principal members of the Liberal party, and it passed a second reading in the House of Commons, but having been introduced too late in the session it was abandoned. In the following year I again introduced it, carried it through the House of Lords, and gave it into the charge of a Conservative member of the House of Commons, and then, if I mistake not, came a dissolution which deferred it. On the third occasion I thought it best to commence it in the House of Commons, and I got Mr Forbes M'Kenzie and the Peel party to introduce it into that House. My reason for first taking up the question was a representation from a body of the working men of Dundee. I may say that at that time the grocers sold spirits over the counter, and the working men complained that their wives and daughters got spirits, and that they found their bills considerably augmented in that way. They also found entries of tea, sugar, and other groceries, a part of which they were quite convinced was owing for spirits.

6302. Let me ask you at this stage whether that representation was evidently supported by a numerous body?—Yes, a numerous body. They also complained to me at that time that they had no place to go to but the publichouse; that if they wished to meet a friend they had no place to go to but the publichouse, and that they were quite willing to support me in diminishing the number of publichouses, and curtailing the hours during which they should be open, but they required some place to which they could go. Upon that, in conjunction with some others, we established coffeehouses, known as working-men's coffee-houses, in Dundee. These were managed by a committee of working-men. There are now six of them in operation, besides many others that follow the same rules, kept by the men who had been managers of our coffee-houses. I think that during last year we have drawn in coppers upwards of £6000 from those coffee-houses. It was on the representation of those men entirely that I introduced that bill.

6303. I should like to ask you particularly with regard to the history of the grocer's licence, because we are aware previous to the Act of 1853 the grocers held the same licence as the publichouse, and for the first time a difference was set up between the two classes of licences. Now, the notice in the Act of 1853 as to grocers' licences is negative—'It shall not apply to licences to sell liquors not to be consumed on the premises.' Can you tell us why there was no positive enactment?—It arose in this way: before preparing the bill I had a large meeting in Edinburgh of the principal grocers there and in Glasgow, and they were quite anxious to support me in taking away the grocer's licence altogether. Their reason was, that they were undersold in articles of grocery because the profit made by the smaller grocers was so great that they were undersold by them, and therefore they were anxious that the licence should be taken away entirely from the grocers; and the first bill I introduced and carried, as I told you, contained the total abolition of the licence to the grocer. The second bill did the same, and so did the third bill until it came its last stage, when the report was brought up to the House of Commons—and I am not quite sure whether it did not pass the House of Commons, and whether what I am going to state did not occur in the House of Lords. At all events the plea upon which that clause was struck out was this, that in small places, especially in the Highlands, the grocer's was the only shop where any spirits could be got. That was the argument which was used, and the clause was

struck out by a small majority. But as I have told you, the bill had twice passed a second reading in the House of Commons, and gone through the House of Lords, totally taking away the power of the grocer to sell spirits for consumption on the premises, and that with the full concurrence of the general grocers of Edinburgh and Glasgow; and then it was that the clause was amended to the effect merely that spirits should not be sold for consumption on the premises. §

6304. When you contemplated taking away the licence from the grocers, did you contemplate at that time that there should be any other class of house which could sell liquors not to be consumed on the premises?—Yes; at that time it was thought that there would be a class of wine and spirit dealers who should have a separate trade to themselves. I may mention that another amendment in the House of Commons was put into the bill at the last moment; it was done rather in opposition to the bill, but it turned out to be what we, the promoters, most desired, namely, to abolish the sale of liquors at toll-bars. I did not venture to introduce that into the bill, because in Scotland the proprietors were generally trustees, and I should have raised very great opposition, but that has been one of the most beneficial provisions for the country districts that has ever been carried out.

6305. But the same thing has been attained by the action of the justices in most counties, has it not, by not licensing toll-bars?—No, I don't believe that even if they had the power they would refuse the licence, because it lowered the value of the tolls very considerably. While I am upon this matter, if you will permit me, I would like to mention that at that time the proprietors in my district resolved never to grant any new licences, and agreed to take every opportunity through a change of licences to reduce the number then existing. The result is that there are now not more than three or four publichouses where spirits are sold between Perth and Glencarse, but it has taken forty years to accomplish this. I would suggest that the Commissioners should get the evidence of the Rev. Dr Honey of Inchture, one of the oldest ministers in Perthshire, and he will be able to tell you the state of the different villages before the number of publichouses was reduced, and what is their condition now.

6306. Have the justices in your county come to any understanding as to the number of licences that ought to be held in the different districts?—Not as a county. They take different views. Perthshire is divided into different licensing districts, and they take completely opposite views in different districts.

6307. That, we find, has been the case in several counties.—Yes.

6308.—Do you think it would be a desirable thing that the magistrates should be required to fix the number of licences that should be held?—Well, it would be difficult to fix the number, because circumstances change very much. I am not for abolition entirely. When towns rise up and villages become towns, you cannot lay down any rule of that sort; but the more you can tie the justices' hands the better, because they take such different views in the different districts. In one district in Perthshire they grant everything, and even exceed their powers.

6309. Do you think that Dr Cameron's Act supplies that want by requiring a confirmation of licence?—Not at all, because in this case also the justices take different views. In one county you will see they confirm all, while in another they refuse all. I think that Act is very objectionable, because it puts the matter completely into the power of what may be the opinion of the committee of the licensing justices.

6310. *Sheriff Crichton.*—It has been suggested that the justices might fix the number of publichouse and grocers' licences for a certain period of years, and revise that resolution after a lapse of time; does that meet your view?—My own opinion is that it would be very desirable to reduce the number of grocers selling spirits, or take the licence away from grocers altogether. I have

always felt that you must deal fairly with people who have embarked their capital in a business; but I think that every opportunity might be taken to reduce the number; and I do not see why you should not enforce a rule upon grocers that they should only sell spirits in sealed bottles, because just now it happens that children are sent for spirits and women get spirits, which—though not drunk on the premises—are taken home or are taken outside to be drunk; and instead of putting on a penalty, you might forfeit the licences for a breach of the law.

6311. *Mr Campbell Swinton*.—For a single offence?—If you laid down a rule as to sealed bottles, then the offence would be committed knowingly, and I do not think that the respectable grocers would object to what I suggest. I do not think that you can fix by rent or anything else who should get the licences, because rents vary very much in different places.

6312. *The Chairman*.—I should like to know whether in your opinion the improved state of things which was found by the Commission of 1860 to have resulted from the Act of 1853, still continues?—Yes, where the provisions of the Act have been properly carried out. That Commission, [I may mention, arose out of those opposed to the licensing system altogether having moved in Parliament for a committee to enquire into the operation of the Act of 1853. Hearing of that I went up to London and got Mr Walpole to grant a commission, which is a public enquiry, and far better than any committee of the House. So strong was the evidence in favour of the operation of the bill that we got more stringent clauses passed than were in the original bill, and we found the publichouse keepers themselves very glad of the provisions of the Act for closing on Sunday and for early closing. It was intended that they might close earlier than the hour named, namely, eleven o'clock, but the intention of the Act has been overruled, and the magistrates cannot enforce it unless with the general consent of the licencees. The general consent of those in our district has been obtained, as they are glad to close before eleven. The general opinion is, that if all are on the same footing, it is better to close early and on Sundays. They prefer that to the more extended hours. I may also say that the later opening was of considerable advantage. The licensed houses used to be opened at six o'clock, so that working men going to their work got a dram; whereas now they are not open till eight.

6313. Of course we must keep ourselves as much as possible to the subject of this Commission?—Yes. Well, with respect to the grocers, as has been stated, I cannot think they want to keep late hours.

6314. Clearly, if they hold a licence they ought not to open their shops except during publichouse hours?—I should think not.

6315. *Mr Campbell Swinton*.—They might even be required to close sooner?—I should think most of them would be glad to do it. I do not think there is any respectable grocer who would not be glad to give his people liberty to go away earlier, and if they were all bound to do so it would be no hardship.

6316. *The Chairman*.—Is it your opinion that any evils flow from the holding of spirit licences by grocers at all?—Well, I think we did a good deal in getting them prevented from selling liquor over the counter. Still, of course, there is a good deal of spirits taken by men and females, and by children, which ought not to be taken. That, however, is only in the smaller shops, but I do not see where you are to draw the line between a large grocer and a small one.

6317. Are you still of the opinion you held in 1851 and 1852 that it would be better to separate the trades altogether?—I am clearly of that opinion.

6318. As soon as it can be done without injustice to individuals?—Yes.

6319. *Mr Campbell Swinton*.—Do you think you would find that the larger grocers who agreed so much with your lordship at that time would agree with you now?—I have had no communication with them, but I should think they would.

6320. Our evidence is to the contrary?—Certainly, at that time, they were strongly in favour of the bill containing the abolition clause.

6321. *The Chairman*.—How would you provide for the case of a village which would hardly support a grocer and a spiritdealer also?—Well, I suppose there is sure to be a publichouse in the neighbourhood.

6322. And you think the publichouse ought to be sufficient?—Yes, if there is any necessity for them at all.

6323. Do you think there is much in the objection that respectable people do not like to be seen going into a publichouse?—If it was known that they were going merely to get a bottle of spirits as a necessity, I don't think it would matter much, because it would not be like taking drink over the bar. They would not object if it was known that that was their object.

6324. Your lordship has always advocated the regulation of the trade, but never the suppression?—No; I think you cannot suppress it; but still I never can see why a dram-shop is necessary. Where refreshments are sold, I am not for taking away the power of selling spirits; but I cannot really see that a mere dram to be given over the counter is a necessity. Now, as you know, in London at the corner of every street there are shops keeping open late at night which are mere drinking-shops; I do not see what necessity there is for these.

6325. But short of the removal of the grocers' licence, if we are merely to have an amendment of the present system, do you think it would be a great improvement that liquor should be sold only in bottles?—Quite so; in sealed bottles.

6326. And that the bottles should be sealed as a guarantee?—Quite so.

6327. *Mr Campbell Swinton*.—Do you not anticipate that one result would be that a man who otherwise would be content with a gill would get a whole bottle and drink it?—Well, if he gets a gill, he is very likely to go in for two gills; but I don't think he necessarily would consume a bottle if he had to take it home. It is more for the sake of companionship that men are led into temptation. Formerly in the villages around me, ladies did not dare to go outside the park wall for fear of meeting drunken people, a thing which you do not see at all now-a-days.

6328. But if a man takes a bottle of whisky home with him, it would be a greater temptation than if he takes home a gill?—It is not likely that he will take home two or three men with him to drink it, unless he is a very confirmed drunkard.

6329. The bottle might be consumed amongst the family?—Well, you cannot help that if they will drink. They do that now in Scotland unfortunately at certain seasons and on holidays, when they think that they must always offer whisky, and so they have a bottle in the house; but I am quite satisfied that there is a great improvement in the habits of the people in that respect.

6330. You do not think that amongst the agricultural population there is the habitual use of spirits?—Certainly not; only on holidays. A Scotchman very often thinks that on a holiday he must have a jollification.

6331. *Mr Ferguson*.—But as a general rule you don't find amongst the agricultural population that they take ale to their food?—No.

6332. Only on those occasions?—Yes. I am satisfied that in the district where I reside there is no more sober class than the agricultural labourers.

6333. *The Chairman*.—It has been alleged to this Commission that it is necessary that the grocer should be able to sell small quantities of spirits retail, because working men require spirits as an article of diet?—They most certainly do not. In this district we have some of the finest and strongest men who never take drink except at a feeing market.

6334. *Mr Campbell Swinton*.—It has been suggested that it would be a great improvement if the publichouses were shut on the occasion of feeing markets as on Sundays; what do you say to that?—I should be very

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glad, for those markets are dreadful scenes of intemperance.

6335. *Mr M'Lagan*.—Do you think that circumstances are now so much changed that the objection would be as valid now as it was in 1853, that in some Highland districts it would be inconvenient to separate the trade of grocer from that of spirit-dealer?—Well, you know that those districts are now opened up by railways, and the means of communication have increased very much.

6336. You think there is not the same objection now which there was in 1853?—No, I certainly think not.

[Lord Kinnaird subsequently addressed the following letter to the Commissioners :—]

Nov 2, 1877.

'DEAR SIR JAMES,—I heard it suggested yesterday before your Commission, and I rather agreed with the suggestion, that the number of licences to grocers should be *gradually* reduced; but on further consideration I feel satisfied that it is not fair to the general trade, continuing in many cases a monopoly to the grocer who at present happens to have a licence, for thereby he is able to undersell other grocers owing to the profits made by selling spirits. In regard to public-houses, I have always felt that it would be a hard case, when a man has invested his capital on the faith of an Act of Parliament in a trade which he conducts honestly and without breaking the law, to deprive him of the means of carrying it on. The depriving the grocer of a licence is quite a different thing if all licences to grocers were withdrawn within a limited period,—it would only be just and fair to the trade generally that all those in that trade were put on an *equal footing*, and I believe in those cases where a monopoly now exists, the abolition would lead to the extension of the trade, to the great benefit of the poorer classes especially, by the introduction of competition.—Believe me, yours truly,

'KINNAIRD.'

William
Smythe.

223. WILLIAM SMYTHE, Esq., of Methven, Convener of the County of Perth, examined.

6337. *The Chairman*.—You have taken a considerable interest in the licensing question?—I have.

6338. Have the justices of the county of Perth been endeavouring to reduce the number of licensed houses of all kinds?—Yes. I may state that the feeling amongst the justices in the county, as well as, I believe, in the city of Perth, is very strongly in favour of diminishing the number of licences generally, but more especially of grocers' licences. In considering claims, the first question always is, whether a shop for the sale of spirits is required for the accommodation of the district, and that precedes all questions as to the character of the applicant. The justices decide first upon that. In country districts and in small villages, my opinion is that grocer's licences have been found very mischievous, and that they are really not required for the wants of those districts. I allude particularly to the parish of Methven, with which I am connected, because I observe that in some evidence which was given before this Commission by a Mr Salmond, the parish of Methven was specially pointed out, and it was stated that Mr Salmond had discovered 40 cases in which there were breaches of the grocers' licences—40 cases in which he had procured drink contrary to the law. Now, in Methven we have two small hotels. They are licensed as hotels, but are really very little better than publichouses. We have only one licensed grocer. There is a publichouse in the village of Almond-bank, three miles off, and one licensed grocer.

6339. I should tell you that in the table which Mr Salmond put in, in the first place he mentioned having called 29 times upon grocers in Methven, and found 17 breaches of the law in those 29 visits; but on a subse-

quent occasion, doubts having been thrown upon his evidence, he said upon cross-examination that he could not really stand to his return, and could not say whether many of those cases had not taken place in publichouses. In fact, when I said to him—'You have spoken of 2726 cases of breach of certificate, can you stand to 1000 of them?' 'Well,' he said, 'I could not stand to any particular number.' However, the number was 17 breaches in 29 visits?—Well, I had forgotten exactly what was the number, but I am satisfied that he may have been correct to a certain extent, because, till within the last two years, there was another shop that had a grocer's licence, which was notorious as being a place where offences were committed. It was considered one of the greatest nests of drunkenness in the place. Ultimately the man became a bankrupt, and the shop is not now licensed. If my opinion were asked, I should say that we could dispense with the grocer's licence altogether, and I see no reason why this privilege should be conferred upon one man in preference to another, because it obviously gives the possessor an advantage over the other dealers, or it would not be so eagerly sought for. That is a point which ought to be considered independently of the abuse of the licence, and its consequent evils in small villages. There can be no doubt that in the large and respectable shops in town the holders are free from all suspicion of abuse, but what I cannot understand is why it should be given to one man in preference to another. That it is considered an advantage is quite manifest, because I have a few advertisements which I cut out of the *Scotsman* of last Saturday, and there I find within a very small space three advertisements of family wine merchants' businesses, and licensed grocery businesses, one for immediate disposal,—a licensed grocery and provision business,—and another grocery business licensed, for sale immediately. Now, it is evident that these people consider that the possession of the licence greatly enhances the value of the business. Of course it will be observed that in those cases it is taken for granted that the new comer to the shop will also have the benefit of the licence, and that is a mistake which is very generally prevalent, namely, that the licence is given to the house rather than to the individual—a mistake which cannot be too speedily corrected. I should simply ask why the privilege of selling spirits is to be limited to dealers in groceries, and why a baker, or a tobacconist, or a draper, or a shoemaker, or a hair-dresser should not claim like advantages. No doubt it would bring him more customers, and might produce more profits. There is nothing cognate between a grocer and wine any more than there is between a tobacconist and whisky. I would, therefore, abolish all dealer's licences, saving only the rights of present holders. Of course you cannot touch them. It would be hard to take away the present licences, and I do not see how a line could be drawn between the greater and the less. The distinctions from the higher to the lower are so very small that I could not see how you could touch the one without touching the other. I would therefore exclude the sale of all other articles whatsoever in shops where wine and spirits are sold.

6340. Except cooked provisions, I suppose?—I am not sure even as to cooked provisions. In the large towns there would never be any want of shops where wine and spirits were dealt in exclusively. In some places the custom might not be such as to support an exclusively wine and spirit shop, but the tenants of such a locality would be sufficiently met by the hotel or publichouse. I heard a question put to Lord Kinnaird about the objection which persons have to going to publichouses, but if a person was going conscientiously to a publichouse for spirits for medical purposes, or for any other purpose, I don't think any shame would attach to him. The only other point to which I would advert is whether it might not be possible to give a wine and beer licence without the power of selling spirits. It is the sale of spirits in the smaller shops and in the smaller villages that does the mischief, and the class of shops to which I refer would do nothing in the wine trade. It would not be worth while to take out a wine licence. The large grocers in town who are

for the most part most respectable people, and from whom no abuse arises, would find that their profits arose chiefly from the sale of wine and not of spirits, and they could take out a wine licence.

6341. Would you not even allow them to sell spirits in a considerable quantity?—No; I think as a general principle my feeling would be to make the sale of wine and spirits separate altogether from the sale of provisions.

6342. I suppose in saying that you do not refer to houses of entertainment, properly so called: that is to say hotels, and publichouses, where they would keep cooked provisions?—Those places would have a hotel or a publichouse licence. I am confining myself to licences for grocers. The publichouse licences I do not conceive come within the present question. I have really no facts that I could bring before the Commission on this subject save what I have already stated.

6343. I am asked to put to you the following question: Supposing only a publichouse to exist for the sale of spirits in a small place, would it not in itself bring an evil through sending servant girls for liquor to the publichouse?—Well, I would be opposed to the sale of spirits altogether, but if it was necessary to send a servant girl for spirits I would send her to the publichouse.

6344. Do you think that the magistrates might in licensing require that there should be what is called a family entrance, as is common in England in the case of the publichouses?—I believe that would be a great advantage, but of course it would entail considerable expense upon the publican.

6345. Then it is your opinion that the system is bad in itself of joining the liquor and provision trades, and that no further regulation would really meet the case?—I think the system is bad of itself, that it should be stopped, and that no evil would arise from stopping it.

6346. Then supposing no new licences of that kind were allowed, but existing licences continued, that would come in time to put a very valuable monopoly into the hands of a few persons?—No doubt it would to a certain extent, but still I don't think you could interfere with existing interests. People who have got a large stock of wine and spirits would think it very hard if you were to take from them the power of selling it.

6347. Could there not be a time beyond which licences should not continue, say five years?—That would be one way; or you might allow the business to continue during the life of the present holder; but I do not think that it is of such consequence as to make it a very material question.

6348. *Mr Campbell Swinton*.—Do you mean it is not of such consequence to the dealer?—I don't think you could stop the evil all at once. It must be done gradually, and therefore I would let it go on during the lives of the present holders.

6349. *The Chairman*.—Any new licence being of a different kind, namely, to sell liquor by itself?—Yes.

6350. *Mr Campbell Swinton*.—Would there be no danger that the shops of those spirit dealers, of whom a race would then spring up distinct from the publichouse, would become just drinking shops?—They would be under the supervision of the police in the same way as they are now. There would be no alteration of the law in that respect.

6351. *The Chairman*.—We were supposing you to mean that new licences should be given for the sale of liquor not to be consumed on the premises, and strictly excluding the sale of provisions at the same place.—Yes.

6352. And then the question comes to be, how would you take care that the same sort of abuse would not spring up in such shops as are alleged to exist in grocer's shops?—I do not see how you could prevent that, but any person may abuse a privilege. The only way is to regulate it so far as you can. I am one of those who think that great as are the evils arising from intemperance, it is not possible by legislation or otherwise to prevent altogether the sale of intoxicating liquor. I think, however, that much may be done to regulate it. My first principle would be not to allow those who sell spirits

to have any interest in the profits, so as to induce their customers to drink to excess. That was the great element in the Gothenburg system which was so zealously advocated by Mr Carnegie of Stronvar. I happened to be in London when that bill was first brought under notice about 5 years ago, and took considerable interest in it. I even took some part in framing the original bill. I think that such a system, if not adapted to large towns, yet in country villages and small towns, would be productive of the greatest good.

224. HUGH BARCLAY, Esq., LL.D., Sheriff-Substitute of Perthshire, examined.

DUNDEE
—
William Smythe.
—

Sheriff Barclay.
—

6353. *The Chairman*.—You have long taken an interest in the question to which our enquiry refers?—I have been obliged to do so in my official magisterial capacity, not as an amateur. I have now had a long experience in the subject.

6354. Would you tell us particularly your opinion with regard to the precise subject of our enquiry as to the operation of the grocer's licence?—I may say that I can give you my opinion such as it is, but I thought it more advisable to give you statistics, and I have got from the chief constable several papers which I think will be very valuable. The Perth justices' district consists of six or seven parishes and villages attached. In that district we have 18 inns, 11 publichouses, and 8 licensed dealers. I may say that I regret exceedingly there is no distinction between grocers and dealers. We have in Perth dealers who only hold an excise licence, and cannot sell in small quantities. Now, there is no distinction in the law as we administer it between the grocer and the dealer, but all those 8 are grocers. In the Blairgowrie and Rattray district, with a population of 8000, we have 20 publichouses and 10 licensed dealers, in all 30. In Crieff, with a population of about 5000, we have 5 inns and hotels, 8 publichouses and 8 dealers and grocers. I have repeatedly heard complaints from Crieff of disturbances there on the Saturday night, and I have also heard many complaints as to the number of grocers there. In Comrie, with a population of about 4000, there are 4 inns and hotels, 1 publichouse, and 2 dealers. In Muthill, with a population of 3000, there are 3 hotels, 1 publichouse, and 3 dealers. I have another list which is very important, namely, a list of innkeepers and publicans convicted of breach of certificate in the county of Perth from February 1863 to April 1876, exclusive of the burgh of Perth. The result is: innkeepers, convicted 42, acquitted 7; publicans, convicted 36, acquitted 2; making 87 breaches of certificates. As to the grocers, for the same period there were 18 convicted and 4 acquitted.

6355. Is the effect of the statistics of licences to show that the licences are given unequally—more liberally in some districts than in others?—Yes. For instance, in Perth they are very scrupulous, but there are seven or eight licensing districts, and these districts have different rules. I remember Mr Home Drummond, the author of the first Act, had in his district, which included Doune and Dunblane, a certain rule of population, which was acted upon for a long time. It was to the effect, that there should be a certain number of publichouses for a certain number of the population, and no vested interests were disturbed; but when any person left or died, that rule was brought into operation. I don't know if that rule exists now; but I know that in some districts the magistrates are much more liberal than they are in others.

6356. Then it would be, as Mr Smythe says, that either on the system of liberality, every one should get a licence if he satisfies the justices as to his suitability, or, in another district, one man would get the advantage of the licence, and others would be refused?—Decidedly. I don't know if any of the districts have gone the length of saying that every one who applies will get the licence, but I know some are much more liberal than others. In the Perth district, with which I am connected, we are very scrupulous.

DUNDEE.

—
Sheriff
Barclay.

* 6357. But there is no doubt, I believe, that the possession of a licence is held in many places to give a man a great advantage in his grocery business?—There is no doubt of that.

6358. How would you propose to meet the case—the difficulty of limiting the number of licensed houses on the one hand, and of doing injustice on the other hand?—When I mentioned Mr Home Drummond's rule, I should have said that there was then no distinction between publicans and grocers, but now there is a distinction between publicans and dealers, grocers falling within the last class.

6359. But I would ask you; how would you meet the dilemma of unduly increasing the number of licensed houses by liberality, or of doing injustice to individuals by refusing them what they require to compete with their neighbours?—Do you mean injustice to the applicant or to the public?

6360. To the applicant?—It cannot be helped. The public must be attended to without regard to the individual. In Perth, when the justices hear a landlord say, 'You will ruin my house if you do not grant a licence,' they just reply, 'We cannot help that; we must look to the public morals; we cannot look to private interests at all.'

6361. Then you think that the justices should have no rule, except only to grant licences to the number which, in their opinion, is sufficient for the population?—Perfectly; and I think these are the very words of the Act:—'To grant certificates for the year to such and so many persons as the justices and magistrates shall think meet and convenient.'

6362. Do you think it is satisfactory, in view of the inequality that is caused by granting a licence to one man in the same trade and not to another, that the licence should be joined with the provision trade?—I am decidedly of opinion that the grocers should not have a licence. While I am on this subject, I can speak from long experience of the pass-book system. It is melancholy to think of the number of pass-books shown to me, and especially where I found every now and then the words 'tea,' 'sugar,' and often 'goods,' which I used to take the liberty of saying ought to have been 'bads.' I may be allowed to say, that these cases were chiefly from the villages. I do not think I ever had a case from Perth, but in the villages the number of such cases was great. When that word 'goods' disappeared, I remember a poor man saying, that if I was to glance my eye across one week's consumption, there was an enormous consumpt of tea and sugar, which he could always trace to some family or domestic calamity happening that week, and then he would point out to me that the articles were put down at divers prices with the most extraordinary fractions, showing that it was not a veritable entry. So that I am perfectly satisfied that this poor man was perfectly correct, and that the woman got spirits from the grocer's shop, and put them down under fictitious names.

6363. Do you think that since the Arrestment of Wages Act came into force that practice has ceased?—I have no opportunity of knowing, for they don't deal on credit now. I have had one case in which the entries stared me in the face, but only one since that time. Since then pass-books have been all but abolished.

6364. You mean that the grocers do not give credit now?—Yes, they don't give credit now.

6365. Pass-books are very common still in some cases?—They are not very common in Perthshire; I almost never see one.

6366. Do you have cases before you of debts for money lent to working men?—Not frequently, but I have seen such a thing. I have seen 'cash 1s.' or 'cash 2s.' put in when it was found that it was really for spirits, and the man said he had not authorised his wife to get any money. I always sustained that objection. I have seen 'cash 1s. or 2s.' put in, and the man said it was really for whisky.

6367. In those cases to which you have referred, did you find that the putting down of other articles for drink was to conceal it from the husband or to evade the Tippling Act?—It may have been both. I always

struck out the entry under the Tippling Act, or for want of specification.

6368. Have you seen 'goods' entered in pass-books where the dealer held no licence?—I cannot say.

6369. But you have struck items out of bills, and it has not been denied that they meant spirits?—Not denied.

6370. Then if the licence to sell liquor were taken away from the licensed grocer, would you put anything else in place of that kind of licence?—You have the publican and you have the dealer. In a large community such as Perth, we have three or four who are only dealers. They are licensed to sell in large quantities, and a remarkable case has arisen just now bringing that out very clearly. A son of a county gentleman has got an excise licence, under which he is not allowed to sell less than two gallons, and he has applied to the magistrates again and again every year to get a dealer's licence to sell in small quantities, but it has been refused. It has come up at the quarter sessions for the last two years. I have been chairman on both occasions, and we have unanimously sustained the decision of the magistrates. Now, it has occurred to me that division of labour as well as division of trade is of great importance, and I do think that a dealer's licence under which they can sell in small quantities would supersede the necessity of anybody else except the publican selling in small quantities.

6371. You would not like to see dealers licensed to sell small quantities of liquor not to be consumed on the premises without any provisions in their shops?—No, if you had a number of those dealers who sold no groceries. I think they would supply everybody who required the article.

6372. I understood you would have them licensed only to sell wholesale?—No; dealers. The reason why the magistrates refused a licence to the gentleman I have referred to was that there are three or four licensed grocers in the same street, and that therefore the public were already sufficiently supplied.

6373. *Mr Campbell Swinton.*—But suppose no licence was given to the grocers, would you allow those dealers to be licensed to sell in small quantities?—Certainly.

6374. Would it not be necessary in that case that they should get a certificate from the justices as well as a licence from the Excise?—Certainly. The gentleman whom I mentioned is seeking that, but the magistrates have refused it.

6375. But what he asks is a grocer's licence?—No.

6376. The only licence he can ask from the magistrates is either a grocer's licence or a publichouse licence, and the magistrates have nothing to do with any other?—He may have a dealer's licence without a grocery business. We do not give grocers' licences at all.

6377. You give certificates for grocers?—No; for dealers. The word 'grocer' does not occur in any one Act. It is 'dealer,' and that is what I complain of. We should have a grocer's licence and a dealer's, and then we would know what we are about.

6378. *Mr Ferguson.*—Is it not the case that what we have been calling a grocer's licence, and what you are calling a dealer's licence are precisely the same?—Precisely the same, but there is not a word about grocers' licences in the Act; only the second Act in the series prohibits a grocer from selling to be consumed on the premises.

6379. *Sheriff Crichton.*—But the word 'grocer' is in the third of the series?—Yes; but in the first—in the Home Drummond Act—the word was 'victualler,' which is the term used in England.

6380. And the third is generally what is called the grocers' licence, and the second is what is called the publichouse licence?—Yes, but if you look at the schedule you will find no 'grocer'; it is 'innkeeper, publican, and dealer.'

6381. *Mr Campbell Swinton.*—And then the difference you would have would be that the dealer could not sell groceries?—Decidedly, he should not sell groceries. If the trade of spirit dealer is worth anything it should support itself.

6382. You do not think there would be any danger

in men of that class degenerating into publicans—into men who sold liquor to be consumed on the premises?—The justices should see they are men of character.

6383. Would they have any greater facility than they have now with regard to the grocers?—Decidedly; there would be a temptation, but there would not be so many licences. The justices should take care that there would not be too many dealers, and that the persons licensed were persons of respectability. I cannot conceive where the benefit is except to the individual who has the grocer's licence. What we have to consider is the public.

6384. *The Chairman*.—But the grocers were not suppressed between 1853 and 1862?—They were not.

6385. *Sheriff Crichton*.—The Act of 1853 called the grocer into existence, and the second section of that Act is the origin of what is known as the grocer's licence?—It was different from what it was in the previous Act.

6386. Previous to 1853 there was no distinction whatever?—The distinction was then made.

6387. *The Chairman*.—Have you any other remarks to offer?—I may say that I regret the recent decease of our chief constable. He was 20 years with us, and took a great interest in the matter in question. He frequently remarked to me how much he was troubled in country villages with the difficulty he had about the grocers. He said in the first place, that there was a number of people who complained of the extent of drinking, and above all, the publicans were complaining that the grocers had an advantage over them, because the publicans were obliged to shut at 11 o'clock. The grocers had their houses and shops together, and drinking went on during all hours of the night. He also told me, with some reason, that the grocers without a licence complained of those who had a licence. About this there is a great difficulty. Along with Mr Smythe, I cannot conceive how the grocers should have the advantage of a licence any more than a butcher or a baker. If the grocer has a licence it should be carried on separately and by itself. However, these are mere matters of opinion. May I say before I leave, that I have not been able to understand about the sealed bottle or a limited quantity. I cannot understand the advantage of that at all. If you make any rule on the subject, I think it ought to be a rule according to rent. That would be an advantage in large towns, though in small towns it would be different. The rent would not, however, always give you the character of the man. I do not see that a sealed bottle or a particular quantity would be of any advantage at all; I would prefer instead that all dealers sending out spirits should do as the apothecary does, and mark 'poison' upon their bottles.

6388. But if the quantity were limited to a quart bottle, that would prevent drinking on the premises?—Yes, if such be an advantage. I cannot refrain from mentioning another matter. I am satisfied that the spirits sold to the lower classes are adulterated. I wish very much if that could be brought under the notice of the public. Persons come before me to make a declaration, or to plead guilty or not guilty to some charge. I caution them, and they often used to decline to answer the question. That, however, is now gone, and what they usually say is, 'I was drunk, and know nothing about it.' To take an illustration:—Here is the declaration of a person who comes to Perth—it may be from Dundee—and commits two shop liftings, and the articles are found upon her. Look what she says: 'My name is so and so. I am the wife of so 'and so. I have no fixed place of residence. I am 28 'years of age. I was in Perth last Friday. I was 'drunk. I don't remember being in any shop, or 'taking boots from any shop, or of any article being 'found in my possession next morning.'

6389. *Mr Campbell Swinton*.—You have no public analyst in Perth?—No. We are going to get one, and I am satisfied that is a very important matter. Speaking of bottles, allow me to say, that it is not the drink in the publichouse, so much as the drink coming from the publichouse or grocer, that does the mischief, and I don't know that you will get much good from a sealed bottle. People bring a bottle from the publichouse, and then

they go and drink the whisky on the road side during the night, and there is more mischief done from that than there is in the publichouse. Indeed, every now and then numbers of such cases come up. I had a case not long ago, where one man tried to take a bottle from another, and was stabbed, and the result was, that the other was sentenced to death. That was a skirmish about a bottle. If you tried to enforce a rule about a sealed bottle, the seal is very easily broken, and I don't think that any good would result from it. There is one matter I should like to mention. I have heard that several grocers in villages have vans which perambulate the country districts after dark, so as to find the ploughmen in their bothies. They sell them groceries and whisky or porter, and often take meal in barter. This is a great grievance, and has been complained of by farmers.

(See also App. D, p. 489.)

225. Mr GEORGE MEARNS, examined.

DUNDEE.
—
*Sheriff
Barclay.*

*George
Mearns.*

6390. *The Chairman*.—You are deputy chief constable of Perth?—Yes.

6391. We have had from the Sheriff the number of licences held, and I think we also have had the number of breaches of certificate; have you many cases reported to you of breaches of certificate on the part of licensed grocers?—Not a great many.

6392. Have you reason to believe there are many which are not detected?—Yes; I have no doubt there are a considerable number which are not detected.

6393. Is it a thing reported to you by your officers?—Yes.

6394. That irregularities go on which they cannot detect?—That is a matter of frequent report from the police officers.

6395. I suppose that is not confined to grocers, but there will be the same with regard to publichouses?—Yes.

6396. Only they are more easy of detection?—Yes; the grocers are more difficult to detect.

6397. Does your own experience confirm what Sheriff Barclay has stated he heard from the late chief constable?—Yes.

6398. Then is your opinion against grocers holding licences in country places?—No, I don't think it is.

6399. You think it is of advantage that they should hold them?—I don't think it is an advantage, but I don't know that it would be any difference supposing they were deprived of their licence in country villages.

6400. *Mr Campbell Swinton*.—Is your reason for thinking that because you believe it would drive more people to the publichouse?—Yes; so long as a publichouse exists in a village, I don't think it would make much difference to take the licence away from the grocer.

6401. *The Chairman*.—Perhaps you have forgotten that Sheriff Barclay told us that the late chief constable said that the grocers' licences led to a great deal of drinking in country places. You say that if people did not get the drink there they would get it somewhere else?—Yes, I have no doubt they would get it if there was a publichouse in the place.

6402. Do you find more drunkenness in the districts where the licences are given plentifully than in others?—It depends a good deal upon the district. In pretty large villages, such as Blairgowrie and Crieff, the number of licences is greater, and the result is that there is more drunkenness.

6403. You think there is more drunkenness when the number of licences is greater in proportion to the population?—Exactly.

6404. Is that from the people having more temptation thrown in their way?—Yes, and it depends a good deal too upon the class of people.

6405. *Mr Campbell Swinton*.—Then your general view is that the publichouses do as much or more evil than the grocers' shops do?—Well, I think the publichouses are equally bad as the grocers.

DUNDEE.

George
Mearns.

6406. You would not say which is the worst?—No.

6407. Are there as many breaches of certificate committed by publicans as by grocers, or are there more?—Well, they are much on a par that way.

Provost
MacRostie.

226. JAMES MACROSTY, Esq., Provost of Crieff, examined.

6408. *The Chairman*.—What is the number of licensed houses in your burgh?—I shall give you the number with reference to Crieff and the district of Crieff, because Crieff is the centre of a district comprehending the burgh and parish of Crieff, and the parishes of Comrie, Muthill, Ardoch, Fowlis Wester, Madderty, and Monzievaird.

6409. Are the licences in the town granted by the burgh magistrates?—No, the licensing is done by the county magistrates, including myself as chief magistrate of the burgh. The numbers are as follows:—

	Hôtels	Public-houses	Licensed Dealers.	Total.	Population in 1871.	Proportion licensed to Population.
Crieff, . . .	5	8	8	21	4598	1 in 219
Comrie, . . .	3	2	2	7	1908	1 in 272
Muthill, . . .	3	2	2	7	1916	1 in 273
Ardoch, . . .	1	1	0	2	1316	1 in 658
Fowlis Wester, . . .	4	0	0	4	1028	1 in 257
Madderty, . . .	0	0	0	0	522	...
Monzievaird, . . .	0	0	0	0	744	...
	16	18	12	41	12032	...

6410. Why are there no licences in these two places?—They are purely landward parishes. There were licences in both parishes till recently, but the last of them have disappeared.

6411. That is not from the magistrates refusing the licence?—Yes; in one case. A complaint was made against a house in the parish of Madderty very recently. The person was brought up and tried before the sheriff and convicted, and the magistrates refused to renew the licence. There is now no licensed house in that parish. The total population of the district, including Crieff, is 12,032, and there are 41 licences of all kinds, being 1 in 293. I may mention with reference to this that the half-yearly licensing court was held in Crieff upon Tuesday of the present week. It was largely attended. There was a full bench of magistrates, and I availed myself of the opportunity of notifying that I had been asked to appear before this Royal Commission, so as to give any one present the opportunity of making any suggestions. A gentleman on the bench, Sir Patrick Keith Murray, of Ochertyre, noted on the spot a suggestion, which I shall read. 'I would prefer that groceries and liquor should not be sold in the same premises, and in any case that one sealed quart bottle should be the minimum quantity of any liquor allowed to be sold by grocers.' I read that aloud to the gentlemen present, and they all assented to it. There were upwards of a dozen magistrates present.

6412. Have the magistrates, then, in practice acted upon the principle that they disapprove of the grocers' licences?—I cannot exactly say that they have acted upon that principle; but if my own opinion were asked, I should say that I see no reason whatever why grocers should have advantages over any other trade or business. I can recall the time when different classes, such as slaters, shoemakers, blacksmiths, labourers, and carriers had licences, and I have never seen any good reason why the grocers as a class should have licences, whilst others apparently equally entitled to them have been refused.

6413. But do you think that mischief has come from the holding of licences by grocers?—That is a difficult question to answer. I think there are spirits sold by grocers to parties who ought not to get them—children and women, for example, being sent to grocers' places with open vessels or small bottles. I think the system is altogether bad.

6414. *Mr Campbell Swinton*.—But evils of that kind

might be put an end to without entire separation of the trades, might they not?—It is very difficult to see how it could be done.

6415. The legislature could prohibit open vessels, and children being employed as messengers?—That is quite true; but there are so many evasions of the licensing laws now-a-days, that it is very difficult to check them, in my opinion. Probably the suggestions I have read might have a good effect, if the grocers' licences are to be continued at all; but I question the propriety of continuing those licences. I should very much prefer to see them abolished, without doing injustice to the present holders. I should not propose any injustice at all; I should propose that my suggestion should take effect only when the present holders have died out, or have been deprived of their licences for some cause, such as breach of certificate. What I should prefer to see would be that the whole system should be placed in the hands of three classes, hotel-keepers, publicans, and wine and spirit merchants; and in the case of publichouses, nothing should be sold to be consumed off the premises; while, in the case of wine and spirit merchants, nothing should be sold to be consumed on the premises.

6416. That would necessitate the existence in almost every country place of a wine and spirit merchant?—Not necessarily.

6417. If the people could not get the drink in the publichouse?—Not necessarily.

6418. Or it would compel them to go to the public-house for drink?—There are few parts of the country so isolated that there is not a town or village of some size near hand. No doubt there are exceptional cases, but you are dealing with a large question, and I am afraid you cannot meet every case.

6419. Would it not lead to a great deal of illicit dealing if a man in a remote district could not get liquor unless he went to the publichouse and drank it?—I hold that no man requires whisky; he can live without it.

6420. *The Chairman*.—On what principle has your bench of magistrates acted in the way of licensing grocers? Have they granted licences, as a rule, to respectable people, or have they limited the number?—We have been acting upon the principle of limiting the number. I rather think that before the evil was looked at in the face, too many licences were granted. If we go back to the statistics of 1854, I find that in 1854 there were 64 licensed houses in the district of Crieff, including the town of Crieff. Of these, 30 were in Crieff alone, and 34 throughout the other parishes I have mentioned, or 1 in 200 of the then population of 12,805. These, as I have already remarked, have been reduced to 41, and the object of the magistrates for a considerable time has been to keep down the licences. So lately as Tuesday last there were two applicants for licences, one for an inn and one for a grocery business, both of them, I believe, of unexceptionable characters, with which none of the magistrates could find fault.

6421. Then the effect of that is that a man who wishes a licence to help him in his ordinary business is refused it on public grounds, while his neighbour in precisely similar circumstances gets it?—That is one reason why I advocate the separation of the trades, to put all parties on an equal footing. I do not see why one man should be placed in a better position than another. It has been stated to me as a fact that some grocers who have a licence—and I should almost characterise these as perhaps not quite respectable—sell their goods at lower prices simply to bring people to their shops.

6422. *Mr McLagan*.—You said the principal objection you had to grocers getting the licence is that it leads to invidious distinctions between the licensed and the unlicensed grocer, but if one man gets a publichouse licence, does that not make a distinction between him and his neighbour who has no publichouse licence?—No. I think if a man starts in a certain business he expects to make a livelihood out of that business.

6423. But is it not the fact that while you give a man a publichouse licence you increase the value of the property in which his business is carried on?—I am not

taking into account the value of property at all. I am looking to the morality of the country.

6424. Then you would take away publichouse licences also?—No; I think they are evils, but I suppose they must be kept up to a certain extent for the public convenience and the public demand.

6425. But what distinction do you make between giving one man a publichouse licence and refusing it to another, and giving one man a grocer's licence and refusing that to another?—You cannot give a licence to everybody.

6426. But that is so in the case of the grocer's licence: I am carrying out your argument?—Because we have given too many already, we think. If you give them to all comers the evil becomes all the worse, if it is an evil, which I hold it to be.

6427. But I understand you want to do away with the grocer's licence altogether?—Yes.

6428. And you don't want to do away with the publichouse licence?—Only to a limited extent. The wine and spirit merchants will take the place of the grocers. I was going to suggest, in regard to that, that about one licence to a population of 500 is quite enough, and in that way you are more likely to get a responsible and respectable person to conduct the house than by frittering the licences away among it may be half a dozen.

6429. *The Chairman.*—Have you anything else you would like to say?—The question of public analyst has been referred to. I think that is a very important one. I have been told there is a very great deal of abuse in that part of the trade.

6430. That is to say unwholesome spirits are sold?—Yes.

6431. Do you know whether those spirits are said to be adulterated, or only unwholesome?—Both, I believe. I have heard it suggested that no spirits should be sent out until they have been a sufficient time in bond—possibly two years.

6432. We have had no evidence of any whisky being sold in Scotland that is adulterated, but very often that it is sold so new as to be unwholesome?—Yes, there is what they call fusel oil, arising not from adulteration, but existing in new spirit made from a particular kind of grain. What I have said with reference to the two years in bond may apply to that, because I believe that it is only by keeping the bad spirit disappears. I have heard another remark also in regard to back shops. I think back shops should be abolished. I consider they are a great evil. I heard this morning on my way to be present here that it is not uncommon for certain licensed grocers to treat their customers in their back shops, and I heard it also stated that it is not an uncommon thing for licensed grocers, when their customers are paying their accounts, it may be, to treat them to a glass of whisky.

6433. Was that stated in such a way that you could believe it?—Yes, if it had not been so I should not have retailed it here. Of course, from what I have said you are distinctly to understand that I do not propose to do away immediately with the grocers' licences. I merely suggest that they should be reduced by death and by convictions, and by every legitimate means that may arise. I have here a statement in regard to the amount of crime during the present year, from 1st January down to the present time, and I find that during that period to 30th September last, there were apprehended for assault, assault and rescue of prisoners, fraud, malicious mischief, and breach of the peace, 80 males and 24 females—104. Of these 77 males and 23 females were tried—100; and there were convicted 69 males and 22 females—91, there being acquitted 8 males and 1 female, and no proceedings taken against 3 males and 1 female.

6434. *Mr Ferguson.*—You cannot give us a comparison between those figures and the figures of any other year?—No; my impression is that they will not bear very good comparison with previous years, but that is only an impression. Reference has been made to-day to the licence granted by the Excise. We have one case of that kind in Crief. That same individual came up asking for a grocer's licence on Tuesday last, and it was

refused. That appears to be a hard case, for he is most respectable. This man has a licence, irrespective altogether of the magistrates, to sell a large quantity, but he cannot sell a small quantity, to suit the public convenience.

6435. *The Chairman.*—Then you thought it a hardship that he should be refused?—I thought it a hardship, but I declined to vote on the principle of keeping down the licences.

6436. Was it refused on the ground that there was enough of licensed houses already?—That was the reason.

6437. That illustrates what you said that you must either refuse the licence to deserving people or else have too many licensed houses?—Yes; we have several highly respectable grocers who are not licensed, and who, from conscientious convictions, would not hold a licence, but they say they do not get fair play, as they cannot cope with their neighbours who have got the licence.

227. Mr WALTER THOMSON CURRIE, Dundee, Depute-Clerk of the Peace for the County of Forfar, examined.

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Provost MacRostie.

Walter Thomson Currie.

6438. *The Chairman.*—I daresay you have seen cases before the court of actions for grocers' accounts?—I have.

6439. Have you seen many cases where items for spirits and drink have been disputed?—I have frequently had cases of that kind. I may mention that I have acted as depute-clerk of the peace of this county for the last 17 years. In this district the justices meet once a fortnight, and we have before the court on an average 1000 cases per annum. Previous to the Act preventing the arrestment of wages under a certain sum, I should say that the cases numbered something like 1500 a year. When the objection is taken that whisky is in the account, I, as assessor to the justices, look very narrowly into the account, and I have frequently in my experience met with groceries being put down where liquor had been supplied. I have found 'groceries,' and in the next line 'tea,' and in the next 'sugar,' and so on. When I see groceries under such circumstances, it raises my suspicion that there is something under the groceries, and I put it distinctly to the party whether that something is not whisky; and I should say that in 9 cases out of 10 I get the frank answer 'yes.' I sometimes find it under the bare name whisky or 'aqua,' and I have found it as 'tea' and of 'bread.' Sometimes my attention is directed to an enormous quantity of bread appearing in the account. I ask the number of the family, and I look at the previous part of the book to see what has been usually required. When my suspicions are raised in this way I usually find there is whisky amongst it.

6440. It does not follow, I suppose, that the debtor disputes the items, but simply has not paid?—In some cases I find that the debtor does take objection to the whisky, and I strike it out as a matter of course. If I notice it myself without an objection being taken, I strike it out; but in 8 cases out of 10 where there is whisky in the account sued for, the objection is actually taken.

6441. In those cases has it been alleged that whisky was got without the man's knowledge?—In some cases it was. I have put the question 'Who got the whisky?' 'My wife.' 'Who drank it?' 'I drank some of it, and my wife got the rest.' But in many cases I find if the husband's word is to be taken, it is the wife who gets the drink and drinks it, and not him.

6442. I think you said that since the abolition of the arrestment of wages under a certain sum, those things do not occur so often?—Yes; because we have fewer cases than we had before the passing of that Act, as I mentioned already.

6443. But that class of cases still occurs?—Yes; I should say, from turning up the books and from recollection, that I meet with those cases to the extent of over 1 per cent. of the cases annually brought before

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the court, and that I have actually put my finger upon; but when there is no objection taken to the account, and decree in absence goes, no appearance being made, I have no opportunity of checking it. I have frequently in cases where the defender stated that there was whisky in the account asked the justices to remit the account to me, and I have taken it to my chambers and gone over it with the parties, and detected a quantity of whisky charged amongst the other entries.

6444. Do you think that those debts for spirits occur from the whisky being sold by the grocer, and that they would not occur if sold in a separate place?—In my experience, the cases I refer to are where the grocer is licensed to sell spirits.

6445. But there are actions for accounts also where there is no licence?—Yes; and in those cases I have no spirits to strike out.

6446. *Sheriff Crichton*.—Would you explain why the cases are fewer in number since the passing of the Wages' Arrestment Act?—I think less credit is given.

6447. That is to say, the grocer has not the means of doing diligence against the man's wages?—Exactly; I think that is really the case.

6448. *The Chairman*.—Do you have many actions of debt for money lent?—Occasionally. We have cash lent—10s. and £1, and so on.

6449. Occurring in grocers' bills?—Very seldom. I have met with 1s., and 2s. 6d., but very seldom 5s., in a grocer's account.

6450. Do you have actions for money lent as distinguished from grocers' bills?—Yes; I have had actions, for "to cash lent you, 10s.," not in a grocers' account, but in a separate action for the one item.

6451. Have you a class of money-lenders here who lend money to working men?—No; I have not experienced that.

6452. Have you anything further to state?—Nothing, except that I can give statistics of the grocers' licences held in the county, not in burghs, from my own books and those of the deputies in the seven districts of the county. In the Dundee district we have, at the present moment, 14 grocers' licences outwith the burgh; Arbroath district, 7; Montrose district, 1 for the last five years; Brechin, none for the last five years; Forfar, 3 for the last five years; Kirriemuir, 7 for the last five years, 3 or 4 of which, I think, are in the town of Kirriemuir; Coupar-Angus, 1 for five years.

6453. Does that show that the justices have been easier in granting licences in some districts than in others?—I believe that in the Arbroath district they are not so careful as the people here. We have a very excellent bench of magistrates attending the licensing court here, and they use great discrimination in the exercise of their powers. I should explain that in regard to Coupar-Angus, there is only a very small part of Forfarshire in it, the greater part of it being in Perthshire. I have no note of the Perthshire part.

6454. *Mr Ferguson*.—Is Montrose entirely within your county?—Yes. There has been only one licence there for the last five years.

6455.—Can you tell why that is the case?—I cannot tell.

[*Mr Keith*.—I may explain that the one licence is outside Montrose. In the Brechin district there is the village of Edzell, but it is a country place. The one licence in Coupar-Angus district is at Newtyle; it is also a village.

6456. *The Chairman*.—There will be plenty of licences in the burghs belonging to those districts?—*Mr Keith*.—Yea.]

Provost
Welch-
Tennent,
and
Bailies,
Millar
and Horl.

228.—CHARLES WELCH-TENNENT,
Provost of Cupar, and
229.—BAILIES MILLAR and (230) } examined.
HOOD, Cupar,

6457. *The Chairman*.—How many licensed houses have you in Cupar?—We have 7 hotels, 9 publichouses, and 25 licensed grocers.

6458. What is the population?—Between 5000 and 6000.

6459. Has the number of licensed houses increased or diminished of late years?—The number has increased. The number of hotels has increased by 1, of public-houses by 1, and of licensed grocers by 8 within 10 years.

6460. Do the magistrates licence all grocers if they satisfy the conditions, or do they try to keep down the number?—They endeavour to keep down the number.

6461. Would you refuse a licence to suitable premises and a respectable man?—Certainly, if we did not think the licence was necessary for the district. We have done so repeatedly.

6462. Does it weigh with you at all that in the grocery business it is a valuable condition to have a licence?—No, and I do not think that should weigh with any magistrate.

6463. Does it seem to you to be an objection to the system at all that, as some witnesses have stated, you must either let the number increase unduly or refuse to one man what you grant to another?—I do not think there is any force in that observation.

6464. You do not think that the public authority has anything to do with the private circumstances of the trade,—all they have to look at is the interest of the public alone?—Yes. And so far as I am concerned, I have acted on that principle, and my brother magistrates have done so also.

6465. Is it your opinion that the possession of the licence by grocers has led to any evils. There have been a great many statements made to that effect?—I am aware that statements have been made to that effect, but in my opinion it has not led to the evils said to exist in consequence of grocers holding licences. On the contrary, I think that if a licence were refused to a respectable grocer, and spirits could not be got from him in the ordinary way, a person who wanted spirits would be driven, in all probability, to the very lowest class of publichouse, and that, I think, would be very much more objectionable than the present system.

6466. Do you think it an advantage that the grocery and the spirit trade should be united? Some witnesses to-day have said that they can see no natural affinity between them at all.—I do not think any advantage would arise from the two businesses being dis-united—not the least. On the contrary, if you were having a spirit-shop pure and simple, I think it would lead to much more dissipation than there is at the present time. Besides, I do not see how in many districts you could have a spirit-shop by itself; you would not have the population to support it.

6467. Well; the gentleman who made the suggestion I have mentioned said, that in a place which was not large enough to maintain a separate spirit shop, people could go to the publichouse?—I think that would be most objectionable. I think that if you took away the grocer's licence, the result would be that you drive the people to the publichouse.

6468. *Mr Ferguson*.—You said just now the lowest class of publichouse; what do you mean by that?—I mean that a person who would go to a grocer's shop, and ask the grocer for a glass of whisky, if the grocer had not the glass of whisky to give him, would not go to a respectable hotel, but would go to a low publichouse, and sitting down, and getting one glass there, it might probably lead to another, and by that means dissipation would be increased.

6469. Then you mean publichouses in general?—No, I do not. I do not refer to a hotel, for instance.

6470. But we do not call a hotel a publichouse?—I think the class of persons I speak of prefer the low publichouses. I have paid attention to that matter, and watched it myself, and I am satisfied that such is the case.

6471. *The Chairman*.—Have you had any complaints against licensed grocers for breach of certificate?—I have.

6472. Can you say how many?—I have had one; certainly not more than two since I became provost. I have been provost for four years. But I find that our

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—
*Provost Welsh-Tennant,
and
Bailies Millar
and Hood.*

convictions of grocers from 1847 to 1877 inclusive have only been 3 in number, and in one of these cases, which occurred this year, I believe, though the man held a grocer's licence, he was convicted of shebeening—that is to say he did not supply the drink in the licensed premises, but I believe in his own house. That is my information. *Bailie Hood.*—I can corroborate that, for the party was convicted before me as presiding magistrate. *Provost Welsh-Tennant.*—There was one case reported to me which I remember particularly. Being a professional man I looked over the report and desired that further evidence should be got. That evidence was obtained by the fiscal of the burgh, and on looking again at the report I found there was no evidence whatever to support the charge, in consequence of which the charge was not prosecuted. I make that observation because I notice from the evidence of our chief constable that he says there are some instances of cases which he would have prosecuted had they been before him. I beg to say that cannot apply to Cupar. We have a most experienced professional man as fiscal, and I should give as much effect to his opinion on that matter as I should to the opinion of any chief constable in Scotland.

6473. Then it is your opinion that in Cupar the law is generally obeyed by the licensed grocers?—I have no doubt it is.

6474. *Mr Ferguson.*—You said in answer to my question that if a person could not get a glass of whisky from a grocer he would go to the publichouse. Are people in the habit of going to the grocers' for it?—They buy it and take it home; and I do not think that any respectable grocer will give spirits to the very lowest class. I have myself seen people going in and asking for a glass of whisky in a bottle at a respectable grocer's in Cupar, and being turned out without getting it.

6475. Is there any variety of classes amongst the grocers of Cupar?—Yes, there is.

6476. Some who would do it, and some who would not?—No, I do not know of one who would do it. As a rule, the licensed grocers in Cupar are most respectable.

6477. *Mr Campbell Swinton.*—What may be the smallest rent paid by any of them?—I am not prepared to state that. I am informed by Bailie Millar that £15 will be about the lowest rent.

6478. *Mr Ferguson.*—Do you consider that a fair rent in Cupar?—A fair rent for the class of shop.

6479. I mean, will you get a very good shop for that money?—A very decent shop; but there are some very much more highly rented than that.

6480. *The Chairman.*—Do you think that any alteration of the law is required as regards grocers' licences?—I do not. I think probably, however, you might limit the hours, so that the grocers' shops should not be opened beyond 8 or 9 o'clock at night.

6481. At all events, not beyond publichouse hours?—Certainly not. I would be most decidedly opposed to the grocer having his door open after 11 o'clock at night, which he may do now if he chooses, and which I believe in some of the lower class districts of Scotland is really done. I think that is most objectionable.

6482. Do you, Bailie Hood, concur with the provost? *Bailie Hood.*—I do. I think he has given a very fair statement. I consider that our grocers are amongst the most respectable class of the community.

6483. Do you also agree, Bailie Millar?—*Bailie Millar.*—Yes, I agree with what the provost has said, and I should like to advert to what has been said here to-day that the licensed grocer is favoured over the unlicensed grocer. Now, I have been upwards of 20 years in the trade, and during 15 years of that time in connection with the unlicensed trade, and I am here to state that in our district the unlicensed grocers cut keener than those do who have the licence; I mean that they sell their groceries cheaper. I do not think that the grocers of Cupar charge an exorbitant profit on the liquor supplied. So far as my experience goes, and I believe I speak the mind of the trade generally, the profits arising from liquor bear only a fair proportion to the work in connection with the trade; and I find during

my experience as a licensed grocer, a great many of my customers, especially people in a better position in life, prefer to deal with those places where the trade is combined. They object to have to go to an unlicensed grocer for their provisions, and to another person for their liquor. On that account I consider it a great convenience to the public to have the two businesses combined.

6484. Is that not another way of saying that it is a great advantage to the grocer to have the licence?—Undoubtedly; I do not deny that.

6485. Then how is that an answer to the statement by certain unlicensed grocers that their neighbours possess an advantage in having the licence?—They may think so, but I think the argument does not hold good, and as a proof of what I say, generally, the unlicensed man sells as cheap as the licensed man—if not cheaper.

6486. But you propose to answer a statement which has been made by certain unlicensed grocers that there is a great advantage to their licensed neighbours in having the sale of spirits to improve their profits. You deny that, and say there is a good living to be made without the licence, but then you say it is a great convenience to have the licence, because so many people like to buy their goods where they buy their liquor. That comes back to what the unlicensed grocer says, that his neighbour has it put in his power to meet the convenience of the public, and so cuts the unlicensed man out of the trade?—I believe a good many of the unlicensed grocers do not ask a license on principle.

6487. But we are talking of those who would take it if they could get it, but who have not got it?—It is mere matter of opinion. They may think so till they get into the trade, but what I say I adhere to, namely, that the profits arising from the trade are not exorbitant. We do not get the licence for the purpose of inducing us to sell our groceries cheaper.

6488. But still you say it enables you to meet the convenience of a portion of the public?—Yes.

6489. And so it gives you customers you would not otherwise have. If you can meet the convenience of your customer, will he not come to you in preference. That is what the unlicensed man says?—Well, there is something in that, of course.

6490. What makes the unlicensed grocer sell cheaper than the licensed grocer does?—I merely state it as a fact that I know parties who are not licensed sell their goods cheaper than those do who have the licence.

6491. What induces them to do that?—I cannot say what it is.

6492. If one man sells an article cheaper than another man sells it, probably it is because he has a specialty in that article?—Exactly; or perhaps the man is more pushing, and more anxious to do a larger trade.

6493. *Mr Campbell Swinton.*—May it not be that he finds he cannot otherwise compete with the licensed grocer?—I do not think so.

6494. You have told us that the profits of your licence are not unreasonable. Suppose the legislature should determine to divide the trades, which would you stand by?—Well, I am not particular. I would take the one as soon as the other; but I think by having the two combined you can carry on the trade cheaper than if you were to separate them. Suppose the trades were divided, and one grocer was carrying them on, he could not supply the public so cheaply, because his expenses would be greater by his having the two shops.

6495. *Mr Ferguson.*—You said that you have been twenty years in the trade, and that you were for fifteen years an unlicensed grocer. You are now licensed. Have you found your trade a better one and more profitable since you got the licence than it was before?

[The witness at this stage became unwell, and had to be removed.]

231. Bailie ROBERT CLARK, Newburgh, examined.

Bailie Clark.

6496. *The Chairman.*—Have you any licensed grocers in Newburgh?—Yes, we have our full share both of licensed grocers and publichouses. We have 4 hotels,

DUNDEE. 7 licensed grocers, 7 publichouses, 2 porter and ale licences, and 1 brewer, to a population of 2,500.

Bailie Clark.

6497. Is there much drunkenness in Newburgh?—We do not find so much trouble with the drunkenness of Newburgh as with the drunkenness which is imported into it from other places. During the last five years, we have had in Newburgh 120 convictions for breach of the peace, assault, and being drunk and disorderly. Giving the full benefit of the whole to have proceeded from drink, that is the total amount of the convictions.

6498. Is the place much visited by strangers?—In the summer season we are very much visited by Dundee people during the time the boats run—generally twice a week.

6499. Is the business properly conducted generally amongst the licensed grocers?—During the last ten years we have had only one conviction against a licensed grocer; within the same period we have had seven convictions against publichouses.

6500. So far as you know, are the grocers keeping within their certificates?—I believe to a great extent they are. I believe there are some cases in which drinking is carried on to a small extent; but it is such a difficult matter to prove, that the police cannot get hold of the parties.

6501. You do not think there is drinking in the shops to any great extent?—Not to any great extent. I know there is some of it going on, but it is merely nominal.

6502. Are any of those licensed grocers doing a small trade in groceries, and living chiefly by their spirit-selling business?—I am not in a position to state that. I believe that in perhaps one or two cases, it may be, the trade could not be carried on without the spirit licence along with it; but I am not in a position to speak definitely on that point.

6503. You are a member of the licensing bench?—Yes.

6504. Do the magistrates generally grant a licence to a grocer if his premises are suitable?—My own opinion in the matter is, that it is a very difficult question to deal with. We do not know very well where to draw the line, and I think it a hardship to give to one man what we would refuse to another. Perhaps, within the last eight or ten years, there has not been a single increase until this last licensing court in October. A certificate was then granted to a grocer, and the consideration that weighed with us in the matter was that he was a man who had been in bad health for some time, and required some assistance to make a living; and considering his good character, and the long time he had been connected with the place, we did not see how we could altogether be justified in refusing the licence.

6505. Although he was one more than you thought was required?—That is matter of opinion. I am inclined, at the present time, to think that this is an evil which will right itself—that the man who keeps the best material will get the trade, and probably the hint thrown out lately about the appointment of a public analyst will greatly assist that. So far as my experience goes, I believe that the quality of the drink generally sold by the grocers is superior to that we obtain in the publichouse. In my own experience, I have known drink sold on certain occasions when there were head days in the country, which was not fit for public consumption.

6506. Which was new and coarse?—I am not sure if there was not more about it than that it was new. I am not a judge of whisky; but I am a pretty good judge of smell.

6507. *Mr M'Lagan*. What did you smell in it?—I smelt the whisky, and refused to taste it. The smell which I perceived was the smell of spirits of wine; because I work a good deal amongst spirits of wine occasionally, and whenever I smelt the drink, I was convinced there was spirits of wine amongst it.

6508. Was that sold by a grocer or a publican?—It was served by a publican on the public green on the occasion of the annual market.

6509. We have heard that whisky has been adulterated with methylated spirits; perhaps that was what you found?—It is the same thing; that is what I mean.

6510. *Mr Campbell Swinton*.—There is a class of drinkers who rather prefer that kind of spirits as being stronger, is there not?—I have heard of a highlandman going into Perth and getting a glass of spirits of wine from a druggist, and going back again to get another, because it was so strong that he thought he had never had anything like it.

6511. *The Chairman*.—Are you in favour generally of continuing the present system?—I can see no reason for any alteration being made in it. I can fancy how an improvement might be made by making the hours the same as publichouse hours, and then if there was anything that went on in the back shop of a grocer's shop at late hours, after the publichouses were closed, the policeman would have power to enter the premises and see whether there was any drinking going on.

6512. Is there much sale of whisky in open vessels in Newburgh?—Not to my knowledge. I do not believe such a thing is carried on—I have heard it said that it was so, but I have no experience of it, and know nothing about it.

6513. *Mr M'Lagan*.—Would you limit the quantity to a pint or a quart?—I cannot see any good that would proceed from that. If we were to take away the licence from the grocers in our district, in my opinion this trade would leave the locality altogether, and the trade would then be done by the better class of people obtaining what they wanted from the distillery and from the large wine merchants in the big towns. To that extent the working people would not be able to drink. May I be allowed to depart a little from the matter on hand, and advert to another thing with which we are very much troubled in our place? We do not object to the importation of visitors on the Sundays, but we object to the importation of numbers of drunken people, because we find that puts us to a very great disadvantage in dealing with our hotel licences. There is a large quantity of drink consumed on the Sundays on board those boats, and I know, and have seen it, that people who cannot get drink in Newburgh will go on board those boats, sail to Perth, and come back drunk. Now, that interferes with us in this way, that when they are put ashore very drunk—I have seen it myself—they go to the hotels, and they may get drink there; but so long as people are imported into the place drunk, it is very difficult for us to deal with this matter, because hotel keepers turn round and tell us that the people were drunk when they came ashore. It is worthy of consideration whether some restriction could not be put on the licensing of those boats, especially as regards Sunday sailing.

6514. *Mr Ferguson*.—You are aware that the steamers have a publican's license, and not such a licence as we are inquiring into now?—Yes; but at the same time the question bears on the whole matter of drinking.

232. *Mr JAMES HISLOP*, Unlicensed Grocer, 38 Union Street, Dundee, examined.

6515. *The Chairman*.—You have been all your life in the grocery trade?—Yes.

6516. You have represented the Grocers' Benevolent Society?—I am a member of the Grocers' Benevolent Society, and was a member of a committee which went round the trade one year in regard to that society.

6517. Are you able to tell the Commission of any violations of the law occurring in the trade?—On the occasion I speak of, I witnessed several violations in a few hours.

6518. In what year was that?—About 8 or 9 years ago. I was then going round the grocers trying to get some additional members for the society.

6519. And during that tour you were incidentally a witness of various violations of the law?—Yes.

6520. Of what nature?—People going in and drinking on the premises in presence of strangers.

6521. Can you say positively how many such viola-

tions you recollect?—I recollect them distinctly in three different shops.

6522. Have you ever applied for a licence yourself?—No.

6523. You do not wish one?—No. I served my apprenticeship with one of the most respectable family grocery wine and spirit merchants in Roxburghshire for upwards of 4 years, and from what I witnessed there, I made up my mind to try and do without the licence. During the time I was there, from first to last, there were 6 apprentices, and of those 3 went all wrong with drink; in the case of one, I think drink was the chief cause; another went into the ministry, and I am the only one now at the grocery trade. I do not think any of the others were recovered.

6524. Except the one who went into the ministry?—I am sorry to say I have some reason to believe that he fell a victim too. We were prohibited by our master from selling drink to be consumed on the premises, but people came in with open vessels; some of the most intelligent and best workmen in the place, who had large families, sent their little children barefooted and in rags for liquor, and we were obliged to give them the stuff, and I found it a very demoralising thing to supply them.

6525. *Mr Campbell Swinton*.—Was that before or after the passing of the Forbes M'Kenzie Act?—It must have been about 30 years ago. I have never sold one pennyworth of liquor since then. I think it is a great injustice that one man should be allowed to sell liquor, and another man refused the licence. I have a great many relatives and acquaintances in the trade, who do not look on the trade in the same light as I do, and I do not bring any charge against them; but in common justice there ought to be a separation of the trades. Another fact is, that when I began to look out for a place for myself I had some negotiation with a man who had conscientious difficulties about continuing the wine and spirit trade. He was negotiating with me to take a place in partnership, but he did not see how to make the business pay without the licence. He was a very respectable man; had made money, and was an office-bearer in the church; and I believe he had conducted his business in a very respectable way. But for the difficulty I have mentioned, he would have gone out of the trade at that time.

6526. *The Chairman*.—Are you a total abstainer?—No.

6527. Then you do not object to the liquor traffic in what you think its right place?—I would prefer it to be in the druggist's shop.

6528. In homœopathic doses?—Yes. There is another instance bearing on the injustice of the thing. I had some correspondence about a case in which a very respectable young man had a business, unlicensed, only a few years. He fell into bad health, and wished to get rid of his business; some parties were looking at it who wished to carry it on without the licence, but the laird would not allow a transfer of the lease to any one who would not pledge himself to endeavour to get a licence.

6529. It was thought that the trade would fall off if there was not a licence?—I suppose the laird thought he would get a better rent if the premises were licensed; thus the grocer had his market restricted.

233. THOMAS WILLIAMSON, Tailors' Cutter, 143 Nethergate, Dundee, examined.

6530. *The Chairman*.—Can you give us any information as to the subject of the enquiry. I am told you are prepared to speak to cases of drink being consumed on the premises of licensed grocers?—Yes; I saw it particularly on two occasions. I saw liquor consumed at one time by four individuals, and at another by five in the same shop.

6531. Was this done openly?—Yes, just in the shop. The first time I witnessed it, I was pretty well into the shop, and I did not go out. The second time I did not want to see them drinking, and I went out to the out-

side, so that I would not see it. My reason for going out was that I did not want to be a witness of the disgraceful conduct, as I considered it.

6532. *Sheriff Crichton*.—When was that?—I think about three years ago last August.

6533. Were both cases near about the same time?—Yes, within two or three weeks of each other.

6534. *The Chairman*.—And this was in Dundee?—Yes.

6535. *Mr Campbell Swinton*.—At what time?—At night. I think it would be about half-past nine o'clock. It would not be much after nine o'clock at any rate when the drinking took place.

6536. Perhaps you have not been in the way of seeing those things often?—Not as being present, but I have taken particular notice of such things being done in the trade, being fully aware that it is done, and I have often looked. I have another case which I am perfectly satisfied was a breach of certificate. Looking into a shop, I saw a party one night drinking out of a tumbler something coloured, and another time I saw five men leaving a publichouse door and going up the street and into a grocer's shop, as I believe for no other purpose than to get drink. They were going into a publichouse, and one of them touched his neighbour on the shoulder and said something to him, and then they turned and went up the street and into the grocer's shop. I concluded that they were going in, not for groceries, but for drink, from the fact that they had been about to go into the publichouse.

6537. Do you come here to tell us those things from a desire to put down drinking habits, or why?—To separate the grocery business from the sale of spirits. I believe it is the greatest curse which the working men have. I mean groceries and drink being sold together.

6538. Have cases come under your notice of mischief being done by grocers' shops?—Yes. I have been brought up amongst working people, and have seen much misery caused by it. I believe it is the first cause of drinking amongst women, from their getting the liquor along with their groceries, and that breaks up the peace of many families.

6539. Have you known actual cases of women taking to drink through getting drink at the grocer's?—I believe that was the beginning of it.

6540. When you say you believe it, do you really know that they had got it there?—Certainly not from my seeing them personally, but I know that they were in the habit of getting it at the grocer's. Whether that was the original cause in all cases I cannot say, but I believe it was.

6541. Are you interested in putting down the liquor traffic altogether?—Well, my opinion is that we have no need for it.

6542. Are you an abstainer?—Yes, and have been so from my boyhood.

6543. And if you have a feeling about it, of course you do desire to reduce the opportunities for drinking?—Yes.

6544. And very likely, I daresay, you would like to see the publichouses reduced also?—Yes, but I think that the licence in connection with the groceries is the greatest drawback to the well-being of working men's families. I say that from the strongest conviction, and from what I have seen from my boyhood up. The women will adopt almost any plan at certain stages to get the drink.

6545. You think that being at the grocer's it puts it more in their way?—Yes, they can get it more easily. At certain stages women will get it at the grocer's when they would not go into a publichouse for it, and I have known them send children for it—not their own children, because they did not want it to be known that it was they who were getting it.

6546. *Mr Ferguson*.—Have you known cases of them getting it unknown to their husbands?—Oh, yes.

6547. Have you known any occasion where they had it put down in the book under a different name?—I believe so. There was one case which a city missionary in Dundee mentioned to me. Of course I did not see

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the book myself, but the missionary mentioned to me about an old couple who had a friend from a distance on a visit, and who took unwell. There was half a gill of whisky got for that friend, and when the woman paid the account in the book on Saturday her husband looked over it and pointed out an item 'sundries' which he could not understand, and he sent her down again about it. He told her also to mention that the half gill of whisky which had been got was not in the book. The grocer drew attention to the item 'sundries,' and said that the half gill was already charged under that entry. The man said he would never have any more to do with the book, and his wife was to pay for things as she got them. I have known a woman get loaf bread, take it to a licensed grocer's shop in Edinburgh and get whisky for it. I have known that. Her husband allowed her to get bread on credit at the baker's, because she was such a drunken character that she was not trusted with money, but she took the bread to the licensed shop and got drink in exchange for it.

6548. *The Chairman.*—Well, a woman like that would have got whisky anywhere?—I expect so, but I rather think that the beginning of it is in the grocer's shop, where the driffk can be got without their being seen, and it is not an uncommon thing. I have frequently seen a woman setting down a bottle on the corner of the counter where the whisky was kept, and standing at the counter till the bottle was filled, and then slipping away with it as if she did not wish to be seen. These are things which I believe can be seen every day in grocers' shops.

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234. Mr DAVID MITCHELL, Clerk, King Street, Broughty Ferry, examined.

6549. *The Chairman.*—You are prepared, I understand, to inform the Commission of violations of the law which you have witnessed?—Yes. I shall give you my experience as regards the licensed grocery system in Broughty Ferry and elsewhere as it has come under my observation. There are 26 licensed houses in Broughty Ferry. We have close upon 5000 inhabitants; or, taking it in what I think is a better way, 1260 ratepayers of £5 rental and upwards. So these are what represent the houses in Broughty Ferry. Of the 26 licensed premises, 13 are grocers, giving one to every 98 of the householders of £5 rental and upwards. Taking the whole 26, there is one licensed for every 48 houses in Broughty Ferry, or a most equal to what you have heard with regard to Newburgh a little while ago. The rentals of those houses vary from £17 to £52, 10s on the part of publicans, and from £16 to £49 on the part of licensed grocers.

6550. Broughty Ferry is a place through which strangers are constantly passing, and those houses will supply a great many people besides the inhabitants of Broughty Ferry?—I am not aware that they do.

6551. A great many people from Dundee, for instance, must go to it?—Some live there.

6552. But I mean visitors?—Well, there are a considerable number of summer visitors.

6553. And that is what I say, that those houses supply a great many visitors?—Yes, in summer. It has been stated to-day that the rental would be a criterion by which to guide the limitation of those houses. So far as Broughty Ferry is concerned, I think that would have no effect whatever. Some of the most respectable grocers in Broughty Ferry pay the lowest rents. We have one at £16 and another at £41, and their businesses are about equal, and in point of respectability I suppose the men are about equal too. Well, we have a most respectable class of licensed grocers. We have ex-bailies, ex-police commissioners, elders, deacons, and managers of the Church all in connection with the trade; but notwithstanding that I find they are not altogether law-abiding as regards the sale of liquor. Speaking of five or six years ago there were three of the first-class grocers who had what may be styled first-class establishments, and out of

those three I might have convicted two of them myself. I have witnessed a breach of the law by two of the most respectable of those licensed grocers.

6554. What were those breaches of the law?—Consuming on the premises. Of course a number of the licensed houses have changed hands within the past six years, and two or three of them have succumbed to circumstances, and one or two have died out; others have been established. Six years ago there were 33 licences, but through strong exertions on the part of the population they have been reduced to 26, strong representations having been made to the licensing bench; but still they are enormously in advance of what they ought to be for the requirements of Broughty Ferry. I believe, however, that those violations, which are pretty general, are attributable to over-competition. The magistrates are in no small degree blameable for the increase in the number of licences so as to put so much competition in the way.

6555. Are you able to say of your own knowledge that breaches of the law are pretty general?—Yes; five or six years ago I know they were.

6556. How did you know more about the matter five or six years ago than you do now?—Well, I had more occasion to visit grocery establishments then than I have now; indeed, I drank whisky and other stimulants myself at that time. That is why I refer to a period so far back.

6557. At that time did you see drinking on the premises of many grocers in Broughty Ferry?—Yes. Of the grocers who were in Broughty Ferry five or six years ago, I have seen drinking on the premises in the case of all except three.

6558. *Mr Campbell Swinton.*—And more than once in each of them?—Yes, repeatedly, but I believe it is not a promiscuous trade that was practised by the grocers.

6559. *Mr Ferguson.*—When you say that you saw drinking repeatedly on the premises, was it paid for or given away by the grocer?—It was distinctly paid for, and I believe it is a sort of trade that is not easy of detection. In fact, it is very difficult of detection, because the grocer knows his own customers, and of course he will not carry on a promiscuous trade,—that is to say, he will not give it to all and sundry who come and ask for it as a publican will. His customers come into his premises, and it is not known to the police outside that they are not ordering groceries. They know that these people are frequenters of that establishment, and the consequence is that they are put off their guard, and the breach of certificate is committed in that sort of way. Then, I believe, speaking of the question in its broadest aspect, I have not seen or heard of any evidence as to the state of society previous to the grocers having a licence at all as compared with what it is now.

6560. *The Chairman.*—Well, the grocers always had a licence—they had a publichouse licence?—But not of the same kind which they have now.

6561. Before 1853 they were allowed to sell liquor to be consumed in the house?—Previous to 1853 it was a very unusual thing to see a drunken woman on the streets. You would not have seen one perhaps in a month, and it was quite a nine days' wonder and the talk of the town for a week or so when a woman such as the wife of a respectable tradesman or labourer was seen the worse of drink. Now that is not an uncommon thing. It is very common.

6562. *Mr Campbell Swinton.*—But that cannot be the result of the change with respect to the grocers, because they had the same power of selling spirits before?—Perhaps it is not. I ascribe it to a certain circumstance. We know that most of the working population of Broughty Ferry and elsewhere have a grocer with whom they deal. Their wages are paid either weekly or fortnightly. During that week or fortnight they have a book with the grocer, and during that time it never comes under the notice of the husband what is going on with the grocer till the fortnight or week is up, and then he discovers that he has a large account to pay.

6563. Why is the state of things different now from what it was formerly?—The grocer could sell in the same way then, only in addition he could sell for consumption on the premises?—I believe this to be the reason. Formerly there was a sort of truck system practised by master tradesmen. They gave their working people lines to go to a certain store for certain goods, which they cleared off at the pay. The grocer handed back the lines to the master, who cashed them at the pay, but now it is quite different; the business is carried on between the grocer and the consumer. The master then paid his servants' accounts, but now the truck system has been done away with.

6564. You would not be in favour of reviving the truck system?—Certainly not; but I would put it out of the power of the grocers to supply drink in place of groceries. There is another thing that goes to establish the fact that it is very common for grocers to supply drink on the premises, and it is this. You see a vast deal greater amount of forenoon drinking than would be seen 25 years ago, and you will always find parties hanging about grocers' shops—master tradesmen and other parties. You will find there is not any more seen going into and out of the publichouses; but if you meet six people on the street in 200 yards, every third man smells of drink by one o'clock in the day or thereabouts. Now, the question naturally arises, Where do they get it? We do not see them about the publichouses; we cannot say that they get it at the grocer's, because we do not see them there, but the inference is that they get it there.

6565. *The Chairman*.—We should require a little more direct inference; that is a very vague statement?—Well, I have already stated that five or six years ago I was a witness of what went on. For instance in Dundee I have had occasion to visit from 20 to 30 grocers' establishments three days a week for three or four months during the autumn, supplying those grocers with farm produce. Now, out of those 20 or 30 whom I visited, I cannot say that there was one whom I could not have convicted day after day for breach of certificate by selling drink to be consumed on the premises.

6566. *Mr Campbell Swinton*.—You cannot say how far that custom continues?—I have no reason to suppose that the trade is better conducted now than it was then.

235. *Mr DAVID THOMSON*, Contractor, Broughty Ferry, examined.

6567. *Mr Campbell Swinton*.—Have you had opportunities of seeing personally and being cognisant of breaches of certificate on the part of licensed grocers?—I have been in Broughty Ferry for the last 26 years, except for 3 years during that period when I resided in Lochee, and I have had occasion for the last six years to go about a good deal amongst the grocers of Broughty Ferry. Out of 14 grocers and spirit-dealers at that time in Broughty Ferry, I myself have got liquor from all minus two; and not only personally, but I have seen it frequently got from 12 out of the 14. I have paid for it myself, and have also got it along with others several times. As regards grocers supplying females, a good deal has come under my observation. I have seen females come in and get drink when they would not be seen going into spirit-dealers'. Latterly, when they began to get very low sunk, they would go anywhere; but for a number of years they went to the grocers, when they would not be seen going into a public-house. I have known both males and females when they ran short of money go to the grocer's shop and have the liquor marked down in the book—not only consuming it on the premises, but taking it away in bottles.

6568. How would they have it marked down?—I cannot tell that, but they went there when they could not get the drink at the publicans.

6569. How did the grocers come to give the drink on credit, knowing that they could not recover for it?—I cannot tell how it was, but it has come under my observation. I have seen both males and females going to the

grocers' shops and getting it on 'hinge' till Saturday, when they could not get it at the publichouse.

6570. When you speak of cases you have seen yourself, and of cases in which you have taken part, was it merely getting a dram across the counter or sitting down to drink?—The back shop is generally the place for consuming those things. People generally go behind the boxes and consume the liquor.

6571. Do they sit down or do they just toss off the dram?—They do not sit down. They merely stand for a few minutes and take off their dram.

6572. What remedy would you suggest for that?—I would suggest that the trades should be entirely separated. There were two grocers in particular in Broughty Ferry who kept their shops open to the last moment every night, Saturday included. It was always ten or eleven o'clock before they shut. As chief constable Keith stated, a few months ago the magistrates restricted the hours to 10 o'clock, but the grocers mostly kept open till eleven, while the publicans shut at ten, and therefore the grocers had an hour longer.

6573. And one remedy you would suggest, supposing you could not get all you want, would be to shorten the hours?—Yes, of both publicans and grocers,—more particularly grocers.

6574. Do you know any case of a grocer giving drink in the morning before the publichouses were allowed to open?—Yes, one or two cases. I cannot say it is a general rule, but one or two cases came under my observation.

6575. When you speak of the breaches of certificate on the part of a large proportion of the grocers in Broughty Ferry, were these habitual cases or rare exceptions to their ordinary practice?—It was their habitual practice. During 1870–71–72, I think there were four or five convictions.

6576. Were the certificates forfeited in consequence of those convictions?—No, in not one of them.

236. *Mr DAVID HILL M'INTOSH*, Meal Merchant, 142 Hawkhill, Dundee, examined.

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6577. *The Chairman*.—You have been a witness of breaches of the law similar to those spoken to by Mr Thomson?—Yes.

6578. When was that?—A good number of years ago, but I do not know that the habit is altered in any way.

6579. How many years ago?—A good many—about 17 or 18 years ago, but I have seen it later on. Very lately I went into a licensed grocer's shop and found some women drinking behind tea-boxes.

6580. What do you mean by lately?—Within a year. They were behind some tea-boxes erected as a sort of screen. Speaking of what occurred 17 or 18 years ago, I recollect seeing a young woman measuring whisky and putting it in a lady's basket, while the master sat and marked it down in the book. The young woman asked him to mark down one peck of Indian meal, and he asked if it was the white kind, and she said it was. I saw the whisky measured and put into the basket.

6581. There was no meal given at the same time?—None. There was bread and some tea and sugar.

6582. Do you think white meal was a cant name for the article?—It was quite understood, I am sure. I have also seen a glass of whisky given to a party when they paid their account on Saturday. That is common.

6583. You have seen that more than once?—Oh, often, often.

6584. It was as a compliment that it was given?—Yes. There was another case about which I used to be greatly annoyed. A man whom I greatly liked would now and then take to drinking, and he would keep on a drunken spree for two or three weeks at a time. When every other thing failed, he used to go to the grocer where his wife got her provisions, and in that way would sometimes get kept on the spree as long as a week. His wife, almost heart-broken, has told me several times that

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but for that place he would have been sober a week ago, because he could not have got the drink anywhere else, not having money to pay for it. Latterly she ceased going to the shop I refer to in consequence of that. I have various reasons why I think the licence should be taken from the grocers. First of all for the grocers themselves I think it is a great wrong, because it is not very easy keeping the law. There are customers whom they must oblige at times.

6585. That would apply to anybody who had a licence, whether a grocer or not. Suppose a man were to be allowed to sell liquor not to be consumed on the premises, who was not a grocer, the temptation would be the same to him?—Quite.

6586. It would not matter whether he was a grocer or anything else?—No. Then I know it to be very unfair to numbers of other grocers near by, because they cannot compete with those who have the licence. Then there is another thing which is very common—a very sad thing, and more common in grocers' premises than in publichouses, viz., giving drams to lorrymen and van-men who are delivering goods. When they give a lift with goods, or help to stow them away carefully, instead of giving them some coppers, whisky is given. I know two or three men who have become habitual drunkards in consequence of that. I have remonstrated with the men, and they have said—'Well, we don't pay anything for it.'

6587.—Have you been rather looking out for those things?—I cannot shut my eyes as I walk up and down.

6588. But you are alive, I suppose, to things which you believe to be evils, and have been looking out for instances?—A good many things come under my notice without looking out. No further than this day a young man just commencing business as a baker told me that another baker had done him out of two customers who used to purchase bread from him because the one man drank in the back shop, and this lad would not condescend to have it in any case in the grocer's. The result was that the grocer would not purchase any more from him.

6589. But this was a baker?—Yes. The baker supplied the grocer with bread to retail, and the grocer would not deal with this baker because he would not stand something. Another thing came under my notice this week. There were only two houses that I considered model houses, that kept the law in the west end, so far as my knowledge went. It was in one of these that whisky was regularly marked in pass-books as goods. I went into a grocer's shop on Tuesday night, and asked the person keeping the shop, 'You were two or three years in so-and-so's employment,'—that person is out of the business now,—'how did you manage your whisky?' and this person said, 'In regard to consumption on the premises we were very strict, but in regard to customers with pass-books, we marked it regularly down as goods.' Now, I thought this was a shop that went strictly by the letter of the law, and was quite astonished to hear that. I find that at an early stage women are sent for drink to the grocer's shop, especially when it is kept by a young woman, when they would not send to a publichouse for it.

6590. Those are particular instances of which you are speaking? You find that women go to the grocer's for whisky when they would not go to the publichouse?—I know some of those cases.

6591. How many cases can you recollect at this moment? How many individuals can you think of?—I know a great many who began in that way to tipple, and who are now addicted to taking too much, so that they are a disgrace to their families.

6592. Do you know of four such cases that you can recall to your mind?—I believe I could recall more.

6593. But you can distinctly recall four?—Yes.

6594. I suppose you are a total abstainer?—I am not here because I am a total abstainer.

6595. I understand you take an interest in temperance, and are trying to promote it?—Yes, and I think it would be a great advantage to the community if the licensed houses were apart from grocers altogether.

6596. *Mr Campbell Swinton.*—Do you look upon grocers' shops as a greater evil than publichouses?—There are facilities given in the grocer's shop which are not found in the other places, because sometimes people get liquor there without money, whereas in the publichouse they have always to pay for it.

237. Mr JOHN JOLLY, Sheriff Officer, Tayport, examined.

6597. *The Chairman.*—Can you mention any facts that have come under your notice in connection with the subject of our enquiry?—Various cases have come under my notice in regard to it. I have seen them while making my calls to collect debts, charge decrees, serve summonses, and bring up witnesses. Individuals have said to me, 'So-and-so has summoned me, but had it not been that whisky was sold it would not have been the case; what do you think I should do in the matter?' 'Well, I have said, 'pay; that is the only way to get out of it. Show me what drink is in this book—there is none marked in your account.' 'No, you will find it here; I got so much drink which appears in the book as 'goods,'—sixteenpence, that was 'half a mutchkin.' " 'Well, can you show me anything more?' There was another, and another, and another, all in one day, put down as 4lb. loaves of bread. 'How many of a family have you got?' 'Five.' 'And there are five 4lb. loaves of bread. How do you make all that out?'

6598. Is this a real conversation?—Yes, it is a conversation that took place. Well, the party was summoned, and went before the sheriff at Cupar-Fife. The sheriff was very dubious about it, and asked whether there was nothing else marked down in the shape of bread than bread. The party would not say whether it was the case or not,—the husband being summoned along with his wife. 'Well,' she said, 'No,'—and still she maintained that the account was wrong. 'How much wrong is it?' 'Well there is £2,' she said. I saw that the sheriff gave credence to that, and took off £2, as the book was suspicious and confused; but all the time she did not confess to the whisky, being in fear of her husband. 'He said that was an awful family to eat so much bread.' I then said, 'But why did you not tell the truth and plead the Tippling Act?' 'Well,' she said, 'if I had done so my husband would have killed me this night; but I will never set foot in that shop again, because they sell drink.'

6599. When did this take place?—In 1875 or early in 1876. Many cases such as that have happened. I have had many accounts to collect in our place and throughout the country, often amongst farm servants' wives who have been getting their goods at a licensed grocer's, and when they have been charged upon whisky bills, I have asked them, 'Why do you go there?' 'Well, I just went there because they sold drink.' I have asked them if they had no other reason. 'Well, we generally get our goods cheaper there than we can get them in the general grocer's, because he has a better profit off the whisky than off the rest of the groceries.' I believe it to be the case that the licensed grocers in various districts of the country sell their groceries cheaper to induce customers to come, because they have a larger profit off the whisky than off anything else.

6600. When you say you believe it to be the case, have you taken out items from the accounts and compared them with those in the accounts of other grocers?—I have, and I have found a very great discrepancy, even in our own little place of 2500 individuals. There is another matter. I think that whisky ought not to be sold by publicans for consumption outside the premises at all. Whatever whisky they have to sell should be consumed on the premises; and whoever may be the party who sells it otherwise, none should be consumed on the premises, and not less than one quart, in a sealed bottle, should be given out. It has often come under my observation that little children are sent to the

grocer's shop for a glass of whisky. That is a very sad state of things to set before a child,—and that child not one of the family that wants the liquor, but a stranger, because they try to get a strange child to go for it. 'Bring me half a gill at 3½d., and you can keep the odd 'halfpenny to yourself.' And how bad is the stuff that is got! They have the same profit off cheap whisky as off dear, and I believe many of the grocers sell a worse glass of whisky than can be got in any publichouse whatever.

6601. *Mr Campbell Swinton*.—But if you adopt the plan of prohibiting grocers from selling less than a quart bottle, and prohibiting publicans from selling any liquor to be consumed off the premises, where would a man go who wanted to buy a gill of whisky, and take it home with him?—Let him want it if he cannot get anything more than that.

6602. In short, you would let him want a gill, but get a bottle?—He would be far better with a bottle without whisky than a bottle with it.

6603. *The Chairman*.—I am afraid you are against drinking whisky at all?—Yes; but though I am so, I am not here for that purpose. I am here to show the evils of the trade so far as my experience goes.

6604. But it is the case that you are against it altogether?—You are quite right. In the next place, I think that neither a grocer nor a publican should have two doors to his shop. You will invariably find those trades mixed together; but there is no word against the grocer's backdoor being shut up, while they look sharply after the publican; and it is strange that they allow hotels to have as many doors as they please. Now, I hold that every customer should go in and out at the same door, and everything taken in at the one door should come out at the same,—no backdoor. I have many a time seen a respectable man go to the backdoor who would not go to the front; and I know for a certainty, that women who are in the habit of drinking regularly never go to the publichouse at all, because the publican will scarcely allow them to come in, but they have no difficulty in getting the drink at the grocer's shop.

6605. Why will not the publican let them in?—Because he considers them too disreputable. I have more than once seen them go in and him turn them out with the money in their hand.

6606. You mean disreputable women?—Any class who went there, if they were not respectably dressed, with a bonnet on their head. But it is not so with the grocer; he takes them in however they are clad, or with scarcely any cleeding at all. I think those are businesses that ought to be kept separate.

6607. *Mr Ferguson*.—In the case of publicans who would not sell to women, was it because they objected to the women coming there without the knowledge of their husbands?—Exactly, and because they had more need of the money otherwise. I know it to be a practice amongst some women to ask a penny from a person for some purpose or other, and then they will get another penny from somebody else, and they will go to their grocer and get 2d worth of whisky. I have known that done six or seven times a day in the place where I live, and by the time the sun is down the individual is down also.

238. *Mr ALEXANDER M'LAGAN*, Painter, Broughty Ferry, examined.

6608. *The Chairman*.—I believe you also have seen breaches of the law on the part of licensed grocers?—Yes. I have got drink in a grocer's shop, both standing at the counter and sitting in the back shop.

6609. When have you seen that?—About three years ago.

6610. Three years ago you were served with whisky in a grocer's shop in Broughty Ferry?—In Dundee.

6611. At the counter?—In the back shop too.

6612. On another occasion?—Yes.

6613. *Mr Campbell Swinton*.—On any other

occasions?—Upwards of 12 or 14 occasions I have been in there.

6614. *The Chairman*.—You have got it 12 or 14 times?—Yes.

6615. In fact, it was a practice?—Yes.

6616. Have you given up drinking altogether?—Yes.

6617. Did the drinking take place in more than one shop?—It was always in the one shop.

6618. You never went elsewhere?—No.

6619. Did you see anybody else drink there also?—Yes, I have seen different parties drinking, and have had four or five persons in with myself.

6620. Did you often drink in the front shop as well as behind?—Yes, it was more especially in the front shop. When we had a little more time to spare we took the back shop for it.

239. *G. H.*, (who gave his name to the Commissioners), Cutter, Dundee, examined.

6621. *The Chairman*.—I believe you refused to pay 7s or 8s for drink, which was entered in a pass-book as goods, while in reality it was for drink?—Yes. I think that was about two or two-and-a-half years ago. I got in an account that I did not know anything about from a grocer and spirit-dealer. When I got it I asked for a detailed account. In the detailed account there was a lot of 'sundries' marked. I went to the grocer and asked what these were. 'Oh,' he said, 'if you pay the 'rest I will let you off with the sundries.' I came home again and asked some of my family what they had got. We looked over the account, and found 2s on a Saturday night marked down as loaves or some other thing,—I don't know what it was,—but there had been a half-mutchkin got which I never gave any authority for. After that I paid the man off all but 6s, and sent for the account to see how we stood. He told me I had just paid 13s, but I let him see the account and said I had paid all but 6s. He then said—'You leave that, and I 'will give you a detailed account of what you have 'paid.' I have never seen or heard of the account since.

6622. He let the thing drop?—Yes. There was another instance. About four years ago a man sent in a big account. I knew there was a lot of whisky about it, and questioned him. I put off a good while before I would pay anything, and then he said he would take off one-half if I would pay the rest, which I did without going to any loggerheads about it. In another case I did not see the book, but I know it was done; two or three persons kept company together and went to this grocer's shop and got whisky, which was marked down as goods.

6623. When was this last case?—About two-and-a-half years ago. There are a great many cases equally bad that I could bring up, but these are things I had to do with myself.

6624. *Mr Campbell Swinton*.—Were these all in the same shop?—No; it was one shop where they dropped the account; and another where they took off one-half.

6625. They were both in Dundee?—Yes

240. *Ex-Provost WHYTE*, Forfar, examined.

6626. *The Chairman*.—When were you provost of Forfar?—From 1866 to 1874.

6627. What is your experience of the working of the grocer's licence?—So far as my experience goes, I think the small grocers are a positive evil to the community. There are many respectable grocers, however, in the trade.

6628. What harm do the small grocers do?—Breaches of certificate take place in their premises. I think they conduct their business in a loose way.

6629. You were going on to say that there are many

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respectable grocers?—Yes; there are grocers who conduct their business in a respectable way.

6630. That being so,—there being some against whom no complaint can be made, and others who allow drinking on the premises,—what do you think ought to be done? Do you think there should be any change in the law which gives the licence to the grocers?—I think there ought to be a restriction on the amount of drink sold by a grocer.

6631. Where would you place the restriction?—I think he should be entitled to sell only a certain quantity, and in a sealed bottle.

6632. Where would you draw the line?—That is a very difficult question. In the restriction of grocers' licences, there will certainly be a confiscation of interests; but the general good of the public is more to be looked to than the private interests of the grocers.

6633. Some people have proposed that the grocers should sell not less than a quart bottle, that their trade ought not to be in drams; while others say it would interfere with their trade if working men could not get as small a quantity as they require at a time. Now, would you condescend upon any quantity?—It would be difficult to do so, but I think a quart bottle is low enough.

6634. Then that would knock this small trade on the head?—Quite so.

6635. Do you think it a good plan, on the whole, that drink should be sold at the grocer's at all, or do you think it better it should not be sold at the grocer's, and that the license should be given separately?—I think that the taking away of the licence from the grocers altogether would entail a hardship upon the respectable traders, because there are many towns where a business could not be carried on without the licence; but, at the same time, my own private opinion is that the trades should be entirely dissociated.

6636. Your chief objection to dissociating the trades would be the hardship to individuals?—Partly so, and partly that there are districts where no opportunity exists of getting spirits except from the grocer.

6637. But, in the first place, supposing there was such a change, due regard would be had to individual interests. Then, in regard to your second object, do you not think that if the trades were separated, another class of shops might grow up where spirits, wine, and ale would be sold, but no groceries?—Well, I think that so long as there is a demand for the article, the supply must be provided in some shape or other. I think the grocers should be restricted as to the amount of spirits they sell, and that it should be sold only in sealed bottles. That would do away with the small grocers. Parties requiring small quantities of liquor would then have to go for it either to the hotels or the publichouses.

6638. I gather from what you say, that in the abstract you think the trades have nothing to do with each other, but that you see practical difficulties in the way of separating them, and so you would regulate them?—Yes.

6639. That is what you mean to say?—Yes; quite so.

6640. *Mr Campbell Swinton*.—Would you think it desirable that grocers should not be allowed to keep a cask of spirits on tap in the shop?—I have not considered that question.

6641. *Mr M'Lagan*.—You said that one objection you had to separating the trades, was the injustice to individuals. But what about the public? Would it not be inconvenient to the public to have them separated?—I think it would be inconvenient to the public to deprive the grocers entirely of the licence. There is a large portion of the public who prefer to go to the grocer's when they want spirituous liquor, and I think the respectable grocers who carry on their business without the slightest objection would be enabled to supply that class.

6642. But from the evidence you have given, I presume you consider that the good which would be derived from dissociating the two trades would more than counterbalance the inconvenience to the public?—Well, my own private opinion is that the trades should be dissociated.

6643. Even though it would be some inconvenience to the public?—It would be a great inconvenience to the public; there is no doubt about it.

241. Mr JAMES KEWANS, Licensed Grocer, Forfar,

242. Mr WILLIAM CHRISTISON, Licensed Grocer, Kirriemuir,

examined.

6644. *The Chairman*.—Mr Kewans what have you to say on the subject of this inquiry?—*Mr Kewans*.—I appear on behalf of the licensed grocers of Forfar. I have drawn up a statement, which I shall read:—‘I consider that the present system of the licensed grocery trade is a good one, and that to separate the one part of the trade from the other would be a great mistake. It would not only be taking away a great and long existing good from the community, but bringing into their midst a great evil. Nor do I think that the community would care to have the trade so divided, at least for their own sakes, for if it was so they would find it to be a very great inconvenience. In the meantime it is a great advantage to them to be able to buy spirits along with other groceries at a grocer's, and the article is greatly superior in quality to that which can be had at any publichouse. The reason of this is because grocers generally allow their spirits to mature in bond, whereas publicans, for want of capital, cannot do so. There are many people susceptible and careful as to their character, who would feel aggrieved were they compelled to enter a publichouse, and that more especially by law. I cannot but think that by dividing the trade we would be throwing temptation in the way of the public, giving them greater inducements and better opportunities for drinking, and thus injure and diminish their moral welfare. The grocer's shop is the very thing which keeps them from the publichouse, and although I cannot say that there is no harm resulting from the present system, still by all means of two evils choose the less. The public are also very much better attended in a grocer's shop than in a publichouse, and there are few indeed who would give up the one for the other. Many of our customers—that is to say, actual buyers—are women, and it would be their ruin to be compelled to go to the publichouse. Then as to the grocers themselves, I think it would be a great hardship and a gross injustice to them were their trade to be separated. I cannot see why, in fact, how it can be so rightly and fairly, for the one is part of the other, and it takes them both to make up the grocer according to custom established for many years. A man has learned the trade, and has doubtless spent a considerable sum of money in establishing his business and fitting up his shop suitably to carry it on in its united state, and to separate them—to put it plainly—would be to take away the better part of a man's living. Whilst he conducts his business honourably, I cannot see any sufficient reason for dividing them. Some people are of opinion that grocers reduce the prices in groceries for the sake of the sale of drink. This is not the case and could never be done. It would be false economy, indeed, to reduce the prices in goods when there are hundreds of customers who seldom or never purchase drink. Many have pass-books; but false entries have never been heard of in Forfar—that is, groceries being entered in the book when it was really drink that was bought. This is a vile system, and is in itself sufficient to greatly injure the character of grocers and their trade, and it would be well to expose those who are detected in it. There is a good deal of drink sold in small quantities, but not less than half gills; and I do not think that to restrict the minimum quantity for sale to a quart would be advisable. It would tend to heavy drinking, and if they could not obtain it at the grocer's they would of course go to the publican's, and there be served with drink of very inferior quality, which would be very injurious.

'Very little drink is now consumed on the premises in Forfar. I believe it was at one time done in some shops, but is now so to a very limited extent. It may be so sometimes—for instance, to travellers and customers by way of samples. If there was a fixed sum for minimum rental, and that moderately high, say £20, or thereby, I think it would probably help to diminish the quantity of houses. I may also remark that the hours are meanwhile rather long, and that it would be advisable to make upon them a slight alteration—say 8 A.M. to 8 P.M., with the exception of Saturdays, when for the convenience of the public we might keep open two hours longer—that is until 10 P.M. I have also to state that the following approve of and concur in the above opinion:—John Melvin, James Martin, John Adamson, David Cramond, Lewis Smith, Charles Gregory, John Kernack, jr., G. Smith, R. Clark, James Lumsden, Mrs Jamieson, Charles Robbie, John M'Archer, David Mathieson, David Barry, licensed grocers; Alexander Irons, ironmonger; George Webster, builder; James Farquharson, builder; John Weir, M.A., minister.'

6645. Do the grocers in Forfar at present open before 8 in the morning?—Not generally. There are a few who open before 8, but not many.

6646. You yourself do not open before 8?—No.

6647. *Mr Campbell Swinton*.—At what time do you close?—At 9 o'clock all the week except Saturday, and on Saturday at 11.

6648. What is the great object of keeping open on Saturday?—We have a large country district. Sometimes it is 6 o'clock before the people get away from their work, and they can scarcely manage before 11 o'clock to get down to the town and make their purchases; besides which there are a few tradesmen, such as tailors and shoemakers, who do not get their pay until late, and have no money to spend until that time of night.

6649. Then you do not agree with those grocers who tell us they would have no objection to close at 8 o'clock?—I think that would be agreed to. It would be an improvement to close at 8 during the week, except on Saturday, and on Saturday I think 10 o'clock might suit us very well.

6650. *The Chairman*.—Have you often to refuse people coming and asking to drink in your shop?—That has never been asked from me since the passing of the Forbes M'Kenzie Act.

6651. *Sheriff Crichton*.—Do people ever purchase from you in open vessels?—Never.

6652. *The Chairman*.—Have you held a licence long?—I have been in the trade thirty-nine years, and have been a licensed grocer for thirty-six years.

6653. Have you, Mr Christison, anything to say to us?—*Mr Christison*.—I represent the licensed grocers of Kirriemuir, six in number, on whose behalf I have to read the following statement:—'We, the undersigned, find that families in town and from the country prefer getting wines and spirits from their grocer, along with other goods. To take away the grocer's licence will compel those who want spirits or wine to go where they will get them, and that is either in a publichouse or hotel. We find in the ordinary course of business customers gain confidence in their grocer, and, being supplied with a good article, find it more convenient to get all from their grocer. It is a delicate question to ask if women and children are better to buy from the licensed grocer, and is not for us to determine. We have not, in all our experience of licensed grocers, ever been asked for spirits and book them for groceries. Working men have never complained to us about this being done, and in no case have we ever heard of groceries being bought and sold for drink of any kind. We think it a great hardship for those who only require, say, a gill of brandy, whisky, or wine, as the case may be, for a sick person, or for their own use, to compel them to go anywhere else than to their grocer. The filling of open vessels is unknown in Kirriemuir, especially by grocers. The restriction of selling a quart bottle we are sure would not diminish drinking, knowing it can be got elsewhere in smaller quantities.

'The inconvenience of having stock stored in cellars apart from our shops will lead to serious inconvenience, as also unprincipled people might be led to take advantage of this. With regard to the hours of licensed grocers, we are quite prepared to the rules that may be made by the Royal Commission, but we think from 8 A.M. to 8 P.M., excepting on Saturday to keep open till 10 o'clock P.M., and on the whole we think the licensed grocer conducts his business respectably. —Wm. Alexander & Son, William Christison, Thomas Kewans, Mary Millar, James D. Caw.

6654. You spoke about unprincipled people taking advantage of the storage of stock in cellars. What do you mean by that?—Whoever might be in the trade if that restriction were adopted.

6655. How would unprincipled people take advantage of whisky being in the cellar?—Well, the person in charge can never be always in the cellar.

6656. He could be there while the whisky was being bottled?—He could not be there always. Then, again, he would require to go for a gallon if any one came in for it.

6657. How often do you sell a gallon of whisky straight away?—On market days we sell many.

6658. But if you knew you had a demand for it, you could have the gallon jars filled?—Well, we might have that too.

6659.—You say you think it better that children should go to the grocer's than to the publichouse. Then they do go to the grocer's?—I say it is a delicate thing, and not for us to determine which is best.

6660. Then children do go to buy liquor at the licensed grocer's?—Children from 10 to 14 come for a gill of wine for a sick person, and so on.

6661. *Mr Campbell Swinton*.—Of course you would not sell it to them unless you thought they came only as messengers?—Of course not.

6662. *Sheriff Crichton*.—It has been suggested to us that no spirits should be removed from bond until they are two years old. What do you say about that?—*Mr Kewans*.—I should be very agreeable if that were the case. I never remove whisky from bond till it is two years old. *Mr Christison*.—It is seldom known to be sold by a grocer before that time.

6663. Neither of you would have any objection?—*Mr Kewans and Mr Christison*.—Not the least.

6664. *Mr Campbell Swinton*.—Would you have any objection to the police having the same facilities for entering your premises which they have for entering hotels?—*Mr Christison*.—I was not aware till this week that they had not the same surveillance over the grocer as they have over the publican. *Mr Kewans*.—I concur in that. I have no objection to that.

6665. *The Chairman*.—How many grocers are there in Kirriemuir? *Mr Christison*.—There are 6 licensed grocers.

6666. How many unlicensed?—That business is principally carried on by the co-operative societies. The trade in Kirriemuir is principally family trade, where orders come in from a radius of 20 miles, and it would be a hardship for us if we could not execute the whole orders.

6667. Then your trade in small quantities is not of much use to you?—Yes, the trade in small quantities is considerable too, I admit.

6668. And you have said, Mr Kewans, that the trade in small quantities is a large part of your business?—*Mr Kewans*.—Though not with me personally, I know it to be a considerable part of the business.

6669. *Mr Campbell Swinton*.—Suppose the legislature thought it wise and necessary to separate the trades of grocer and spirit-dealer, which would you select?—I would give it up altogether,—both grocery and spirits,—it would be such a very great hardship to the grocer; it would confiscate a great part of his means.

6670. But are there not a great many grocers who make a respectable livelihood though they have not the licence?—I believe there are.

6671. How do you reconcile that with your idea?—Well, I am not so young as I have been, and I would not like to start a fresh business altogether,—it would make a thorough change in the business.

DUNDER.
—
James
Kewans;
William
Christison.
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DUNDEE.

James
Kewans;
William
Christison.

6672. If you were a young man, can you say what your view would be?—It would be a very difficult thing to decide.

6673. You would take some time to decide?—Yes.

John Dickson. 243. Mr JOHN DICKSON, Labourer, Dundee, examined.

6674. *The Chairman*.—You wrote to us some time ago, enclosing a grocer's bill?—Yes.

6675. Is there anything in that bill that is peculiar?—I was not aware there were any transactions going on in that form. My wife has been addicted to drink for a long time, and I took her purse from her, and in the purse I found this bill. I was not aware she had had any such dealings. I observed the word *aqua*, and I went to the grocer and asked what it meant. He said it meant spirits. Said I—'Were you not aware you were doing harm in giving her all that drink?' and he replied—'It is not here that she has been getting it all.' After that there was some disturbance in the house, and a married daughter of mine told me that perhaps a year before she had taken a purse from her mother and found a bill in it of the same kind, and that she had gone to the grocer and checked him, and he had promised not to do the same again. On one occasion, early in the spring of this year, when I came home I found one of my little boys, six years of age, playing with some toys on the floor. I asked him where he had got them, and he told me he had bought them with a penny which he had got from a woman for going for whisky to so-and-so's shop. I went to the place and saw the master, who denied the thing, and then I asked the boy, and he pointed out a shopman, who admitted having sold the drink. I was going to make a police case of it, but was advised not to do so, lest there should be a public speculation about my house.

6676. In that case the boy got a penny?—Yes, from a woman, and the liquor was drunk in my house by the woman and my wife.

6677. You spoke just now of your daughter telling you of a thing happening before similar to what you found. Was that with the same grocer?—Yes.

6678. *Mr Campbell Swinton*.—Was this in Dundee?—Yes; one of the principal shops in Dundee.

6679. *The Chairman* [referring to the bill spoken to].—There is no deception about this bill, because the whisky is put down as *aqua*.—No, and the week previous to that affair there was a week's account which I have not got hold of.

6680. The first line is 'balance of account, £2, 19s. 7½d.' and the total is £4, 13s. 9½d.; but here in less than a week there is *aqua* ten times charged?—Yes.

6681. What were you before you were a labourer?—I followed the sea. I was in the navy for five years, when I lost the use of my right arm, and through that I got a publichouse licence; but I went through it with drink of course, and since then my wife has been mightily addicted to drink.

6682. You think it did you harm in that way?—Yes.

6683. Did you give up the licence in consequence?—It gave me up; I went through it. But while I was in the publichouse I had a diffidence in supplying people with drink. People used to come in, and from what I would see of them I actually trembled to supply them with drink.

6684. Have you given up whisky altogether?—No; I may take a glass on Saturday night or the like, or when I fall in with two or three neighbours.

6685. This bill of yours, I observe, is dated in August of the present year?—Yes.

(See also App. D, p. 488.)

William
Jamieson.

244. Mr WILLIAM JAMIESON, Dundee, examined.

6686. *The Chairman*.—You are a fellow-workman with Dickson, the previous witness?—Yes.

6687. You asked Mr Dickson to send us the pass-book which I now hold in my hand?—Yes.

6688. What is remarkable about that pass-book?—I would be away all day working, and two or three women would gather together and come to my wife and say, 'You are in a good shop'—meaning a grocer and spirit-dealer's—'You can get it on credit, and we will give you so-and-so.' I never know anything about that till the time comes when the bill comes in, which I am not able to pay, but I must pay something; and it is very hard for a poor working-man to be subjected to what is carried on in those shops where those books are.

6689. Do you know how much of this book is for drink?—There is a good deal of it—4s., 5s., or 6s. in a week. That will not pay with persons earning 20s. a week.

6690. The book shows about £3, 7s. altogether?—Yes.

6691. Was any of this whisky ordered for you?—None. It is all done by them coming up. They keep it out of sight till I have to pay. I went to the grocer and told him not to give it, but still he persists in giving it.

6692. I see whisky marked down ten times in three pages without going far through the book, and beer and other things too; indeed, I see that runs all through it?—Yes.

6693. Do you think supposing the grocer would not have trusted your wife for drink, that she would have gone to the publichouse with ready money?—She would not have had the money to go. When she goes and pays the bill at the grocers,—and she likes to pay it herself,—they give her a good one, and then there will be a good order, and then the poor man has to pay it either weekly or fortnightly, and he is reduced to nothing.

6694. *Mr Campbell Swinton*.—This only refers to one grocer?—A good many. *Mr Dickson*.—I can speak to the general practice in that way through the town.

6695. But it is one grocer that you have been referring to?—*Mr Jamieson*. Yes, what you have got there, but there are a good many more of the same class.

245. Mr DAVID BOYD, Master Shoemaker, Dundee, examined.

6696. *The Chairman*.—What have you to say upon this question?—I have made up a statement of what I intended to say, which, with your pleasure, I will read. It has reference to objections to powers granted to magistrates, and also to the way in which the grocers conduct their business.

6697. Are you going to speak of facts within your own knowledge?—Certainly. 'As to the granting of licences, the power conferred on our magistrates is arbitrary, and they in general use their power in so erratic and despotic a manner as so cause heart-burnings of no enviable kind. It is difficult for any one to understand upon what principle they are granted. A man with a shop of £30 or £40 of rental may be refused on the ground that he is doing good grocery business, and a man with a shop of £15 rental in an offshoot street will get one; while a man may ask for a licence for a certain house and be refused, another person may apply for the same house at the next court and get it without comment. To explain this is needless, the whole thing has become a sham, and is unsatisfactory to all parties. To confer arbitrary power on a magistrate elected by popular sufferance is bad in principle, for it is easily to be seen that licences will be granted according to the drink or no drink party who gets power. Hence I would withdraw the arbitrary power granted our magistrates in Dundee. There are three epochs in the history of licensed grocers. The back room system, in which the law was to a great extent evaded. So intolerable did it become that public opinion intervened, and it received the death-blow. The dividing of the spirit trade from

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'grocery department by a partition, ended in a ridiculous failure also by public opinion. The present open counter sale system may be said to have also got its trial; this system has had one beneficial effect of preventing open breaches of certificates. The other evils which arises from the credit system, cannot very well be checked by legislative enactment, for a grocer would rather run the risk of infringing his certificate than lose a good customer who perhaps pays £2 per week. The law as it stands leads them into the temptation of infringing their certificates, for if a wealthy customer were to call on any one of our largest licensed grocers, and asking about the different qualities and blends of drink, the first thing the grocer would do would be to ask such customer to taste; and yet the law holds this a breach of certificate; this is the first temptation. The second arises from a certain case I can cite to illustrate the temptation which licensed grocers are liable to.—'

6698. We understand you know personally of cases in which the law is broken?—Yes.—'There is another aspect of the question which has received no attention,—to what extent our licensed grocers knowingly supply drink to our shebeens. This is one aspect of the question I have tried to find out, and although I have got various parties to say that certain firms supplied drink knowingly to reputed shebeens, from my own knowledge I could not affirm it. There has been evidence come out in shebeen cases which go directly to prove that they have an interest in the matter, although the evidence of our police courts are deficient in eliciting facts to prove this important aspect. I have brought out this question from the fact that I believe that it is carried on to a larger extent than many are aware. I hand you a list of the number of shebeens, with the names of streets, and number in each street, and I would not strain my oath were I to add a third more. This under-current of moral delinquency, which has a power of fostering greater evils, lies outside the pale of law, and which will go a great way to explain the fact of increasing drunkenness, crime, &c., in the face of a reduction of licences, as shown in police returns No. 6, 14–27. In connection with this, I may mention that our Excise authorities in this quarter seem not to be aware that they have a duty to perform to the State in making a conviction of all convicted shebeens at our police courts. Our Chancellor of Exchequer might get the hint in these dull times that an extensive illegal trade is carried on in this quarter, and that his coffers might be enhanced a little by more attention to duty on the part of the Excise, and society would get rid of a moral pollution.—'

6699. I do not quite catch how the Chancellor of the Exchequer is to help himself in that way?—In every shebeen case convicted in our police court, the excise can take the parties up, convict them for selling without a licence, and inflict a penalty of £10 or £20.

6700. Do they neglect that?—Yes. But in some towns it is done; and I have known as high a fine as £100 being imposed.—'As to the social aspect of the question, I may refer to the frequency of drunken persons moving about, especially on Saturdays. Clause 13–14 Public Houses Amendment Act 1862 seems to be ignored by our magistrates and police. That it should be so is another proof of the weakness of our magistrates in carrying out the various provisions of the Acts of Parliament which is intended to be aids in checking evils which flow from our drinking customs.—'

6701. You will excuse me if I say that this is going rather beyond our business. We are not conducting a general inquiry into the operation of the Public Houses Act.—Well, with regard to the withdrawal of licences,—'While admitting that a great improvement has taken place on the part of licensed grocers,—and I believe that working men would rather enter a licensed grocer's for drink for home consumption, as there is a strong belief that they in general keep a better quality of liquors,—while I admit this, it has to be borne in mind the temptations which are held over the licensed grocers. It is not to the fact

'that licensed grocers manufacture female drunkards, nor on the fact that evasion of law takes place that I would withdraw the licence; it is on a principle of equity to the grocer trade in general. I would go further, and say that the grocers have no more claim upon a licence than a potato merchant; and as this traffic is the prodigal son of the government, it ought to be cared for in an establishment by itself. My suggestions are, (1) I would create a new licence to sell off the premises, confining publicans to sell on theirs; (2) Have all licences in main streets; (3) Each licensed house to have a fixed rental; (4) And the number fixed according to a minimum population; (5) All these to be fixed by legislative enactment, and not by magistrates; (6) Making it compulsory on magistrates to see that the law is carried out by police supervision. By a simple process of this sort, you would make our magistrates' duties light and agreeable, instead of, as at present, irksome, and having to possess an elastic conscience. The social benefit, in my opinion, would be as great as what we have witnessed by the passing of the Forbes M'Kenzie Act. There is another question I would like to bring before you which occurred to me to-day. In the case of a bankrupt, the trustees take possession of the estate. The person may be in jail at the time. Now, I consider that if a man becomes amenable to the law, his licence should be withdrawn, and the trustees should have no power in connection with it; indeed, I rather think, so far as my reading of the Act goes, that it is an infringement by the trustees to carry on the licence.'

6702. Have you known many cases of women getting their husbands into trouble by procuring liquor at the grocers?—I have known some, but not many. In fact, I think people have been picturing the thing far too black, and I believe that the trade has improved a great deal within a short time past.

246. Mr JOHN CROOKS, Power-Loom Tenter, 15 Glamis Street, Dundee, examined.

John Crooks

6703. *The Chairman.*—What have you to say about the grocers' licences?—I have just a few statements to make in connection with my daily observations and my own experience as a working man. I have on several occasions known my fellow-workmen to frequent licensed grocers' shops day after day, and there consume drink on the premises, which drink was put down to their account and paid at the week's end. They get drink there at any time they choose to go into the house.

6704. That is to say, they get drink at the grocer's shop on credit?—Yes.

6705. And at the week's end their wages are taken up with their account?—Yes.

6706. But these are men who are in the habit of drinking?—Yes, in the habit of drinking on the premises.

6707. They drink in the grocers' shops?—Yes.

6708. Do you know the houses they drink in?—Yes.

6709. *Sheriff Crichton.*—More than one?—Several.

6710. When was this,—recently?—Yes.

6711. Within the present year?—Yes, I have known it within the present year.

6712. *The Chairman.*—Are those shops in principal streets or small streets?—Some of them are in principal streets and some of them in bye streets.

6713. Do the men drink at their dinner hour, or at what hour do they get it?—Generally at the diet hours and after 6 o'clock; they just go in as it were calling from their work.

6714. Do they drink in the shop itself or in the back shop?—Where there is a back shop they drink there, and some of the grocers have tea chests and such like standing at the corner of the counter. If you happen to go into the shop, you will see the drink handed to them behind the scenes as it were.

6715. Can you write down for the information of the

DUNDEE. Commissioners the names of shops where drinking goes on in this way?—Yes, if necessary. Of course I do not wish to individualise.

John Crooks.

6716. We will not publish the names.—I will be very happy to give them.

6717. *Mr Campbell Swinton.*—How many men have you known addicted to that habit?—I know two or three, at all events, on my road home from my work.

6718. Is it done constantly?—Constantly, week after week.

6719. *The Chairman.*—Do you think that those men would not go into the publichouse and drink there if they could not get into the grocer's?—I do not believe they would go into the publichouse, because it is not generally suspected what they are going to do. They may make an excuse for going into the grocer's by saying they go there for tobacco or something like that, and if their employers or overseers were seeing them they could not tell what the men were doing there.

6720. Those are men who wish to keep a respectable appearance?—Yes.

6721. Do you know any cases of women getting spirits unknown to their husbands at those shops?—There is a very intimate friend of mine whose wife is a victim to drink. He gave me this on his authority, and was sorry that he did not know sooner that this Commission was to sit here. His wife is at present in one of our public institutions. She became a victim to strong drink, and time after time when she procured it, it was marked in the book, and sometimes goods of every description, he said, were marked in for strong drink. He told me he did not know how much money he had had to pay for intoxicating drink sold to his wife, and he had to go to the grocer and spirit-dealer and tell him that if there was any more he would not pay for it.

6722. *Mr Campbell Swinton.*—In the case of the men who habitually go into those grocer's shops, do they get more than is good for them, or do they just get a dram?—I cannot say they get enough to make them the worse of it at the time, because it is generally at the diet hour and at 6 o'clock, and you do not see them stop long. Of course they are afraid to stop long in a grocer's shop in case of the constable coming round.

6723. Then they don't get enough to make them intoxicated?—No; I don't think they get enough to make them intoxicated at the time, but if they go often enough they do; and I have seen them come out, stand a little, and then go back again.

6724. *The Chairman.*—Will you be good enough now to write down the names of one or two of the places you refer to?—I will perhaps not remember the names of the parties, but I will give the street and perhaps the number of the house. [The witness accordingly wrote down on a slip of paper the above information and handed it to the Commissioners.]

6725. Have you seen the drinking actually going on in those shops?—I have seen drinking actually going on in two of them that I could mention.

6726. Are you a total abstainer?—I am.

6727. *Mr Campbell Swinton.*—Have you always been so?—No; for four or five years.

6728. *The Chairman.*—But you became so from a sense of the value of abstaining?—Decidedly. I consider it would be a benefit to all working men, and I know those houses to be a great curse to many a one, and to their wives and families.

time in Dundee there were a good many men who were addicted to the use of drink. They invariably began drinking on the Saturday nights, and sometimes carried it on, I believe, on the Sundays. On the Monday, in consequence of my having credit in this shop, they would ask me to get drink for them, and they would pay for it on the Saturday. This was frequently done, the apprentices being sent for it in my name, and it was entered in the book sometimes under the word "goods," and at other times under the word "sundries." This was done very often on Mondays and Tuesdays, and sometimes as far on as Wednesday. Then on the Saturday we met in the back shop of the grocer's premises, and each paid his own share of what had been drunk. If the bill was large, we were invariably served with a glass of beer or spirits free, and if not, we had to pay for our share; but usually there was some drink going. I have reason to believe that I got this credit for drink because I was in the habit of taking my groceries from the same party. I daresay he would not have been inclined to give drink on credit, but that he was afraid of losing my custom for the groceries. In this way several of my fellow-workmen, and ultimately I was just as bad as they were, would come to my house on Sunday, after having been drinking on Saturday night, and ask me to go to this licensed grocer and endeavour to get them some drink. I have accordingly got drink for them on the Sunday, believing that the grocer would not refuse to give it to me, lest he should lose the custom of my groceries. Hence I think the drinking habits of the working people have considerably increased through groceries and spirits being mixed up together. I may also state that I have repeatedly got drink before the hour in the morning in several grocers' shops in this town.

6730. Before eight o'clock?—Yes.

6731. How long ago would that be?—Well, it is some time since I gave up the habit of drinking—perhaps five years.

6732. *Sheriff Crichton.*—Did you get the drink on Sundays yourself?—Yes.

6733. You went to the place yourself and got it?—Yes.

6734. How did you get it?—The shop and dwelling-house were connected by a through-going door, and I got in by a door at the back of the premises—not by the shop door, which fronted the street.

6735. The door by which you got in was in a close?—In a back lane.

6736. Did you ever do that also in a publichouse?—No. There was a publichouse within ten yards of the grocer's shop, but not one of us in the workshop, though there were twelve of us, had any credit there, and I suppose that was in consequence of the publican not being able to recover for drink by law; whereas, in the grocer's shop, it was thought to be recoverable because it was entered in the book as goods or sundries.

6737. *Mr Campbell Swinton.*—And that was the only reason for preferring the grocer to the publichouse?—Yes, because we could get it on credit at the grocer's and not at the publichouse,—thereby increasing the drinking habits of many in the shop, who have since suffered in consequence.

6738. *The Chairman.*—Then it appears from the way in which you spent your money, you had not ready money to buy the liquor with?—No; when we met on the Saturday and settled up our share of what had been spent during the week, there was very little to spare for the next week.

6739. Did you give up drinking altogether?—Yes.

6740. On account of what you thought its bad effects?—Yes; I felt it was necessary for the comfort of myself and my wife and family.

6741. How many years had you gone on drinking before you gave it up?—About 5 years.

6742. What class of grocer was the man of whom you have spoken?—The house was very respectable, and the party was a respectable member of the Church—respectable to outward appearance, so far as one could judge from his appearance and character.

247. **MR JOHN ROBERTSON, Joiner, 23 Ogilvy Road, Dundee, examined.**

6729. *The Chairman.*—What have you to say on this subject? What do you know?—I have come here to bear testimony against this traffic gathered from my own experience, and I will just relate some instances in my own way that you may get at the point I would like to bring out. For several years I was in the habit regularly of getting my provisions for the house at a licensed grocer's. In the shop where I worked at that

John Robertson.

6743. Who served you on Sundays?—Sometimes the mistress and sometimes the daughter

6744. *Mr Campbell Swinton.*—Was it one shop only in which you had credit?—Yes. I had reason to believe that the people did not care much about doing it, but they were afraid to offend me lest we should withdraw our custom for groceries; that, I think, was the motive.

248. Mr SYLVESTER HARVEY, Stamp Cutter, Dundee, examined.

6745. *The Chairman.*—What have you to say about this matter?—I have not a very great deal to say, further than that it has been my opinion all along, from my own experience, that the worst system of licensing we have is the grocer's licence, for various reasons. I was brought up in a village, and there the system was better seen than even in a large town. I could spot out many people who blamed the grocers for learning them to drink. It was quite a habit with them when they went to pay their score or book, to have a glass presented, and females especially have attributed to that the commencement of their drinking habits. Very rarely does a female go to a publichouse for drink, but to the grocer's shop.

6746. Now, you were brought up in a village, where you saw the system. How long ago is the period you are speaking of?—Twenty years ago at any rate.

6747. More than 20 years ago?—Yes.

6748. Would it be 25 years ago?—I believe it is.

6749. Of course at that time the grocers and publicans were all the same; but what can you say as to Dundee in recent times?—I was giving you that as the reason why I have all along held the idea that the trades should be separated. I have been in Dundee for nearly 14 years, and I have had a little experience in the drinking line. I have had no difficulty in getting drink in grocers' shops as easily as in publichouses.

6750. You yourself have got drink in grocers' shops?—Again, and again, and again.

6751. And drank it in the shop?—Yes.

6752. How long is it since you have done that?—Upwards of 7 years.

6753. Because for some years past you have not drunk at all?—Not drunk at all.

6754. But taking 7 years ago, at that time you did get drink?—Yes.

6755. Was that a common occurrence?—Quite a common occurrence. Now that I begin to think of it, there is one shop where I was sent by a wife for her husband—a respectable grocer. He was in another grocer's shop, and I found him there with two travellers and the other grocer drinking, and to that extent that they were fighting before I could get them out. That occurred in Dundee within the last 8 years.

6756. Have you any very late experience of this sort of thing, during the last year or two?—None, except from hearsay.

6757. Because we are told that things are much more strictly done at present?—Well, I question it very much from the appearance of the houses. My mistress, till within the last two years, used to go to a house where they kept capital groceries and where they sold drink. She has told me that she saw people slipping in behind the treacle cans and getting drink as regularly as could be; so of course we gave up that shop, and do not buy now where drink is sold.

6758. I am requested to ask you whether you are one of the principal office-bearers of a good temper lodge?—I am not an office-bearer of a good temper lodge at all, but I have been.

6759. The reason suggested for that question of course is that you want to abolish all liquor traffic together?—Well, if you want my private opinion on the subject, I am ready to say that all liquor traffic should be abolished.

6760. Of course we do not believe your evidence the less because you are a consistent abstainer, but it is a

fact that you would like to see all the liquor traffic done away with?—Yes.

6761. *Mr Campbell Swinton.*—Supposing you could only do away with one class of licence, either the grocer's or the publican's, which would you do away with?—The grocer's, decidedly. I would allow every tub to stand on its own bottom.

6762. You really think there are more evil effects from the grocer's licence than from the publican's licence?—I do most decidedly.

6763. Is there more drunkenness caused by the grocer's shop than the publichouse?—More drunkenness amongst a certain class, more drunkenness caused amongst females, and of course more misery produced at home.

249. Mr JOHN SCOTT, Tailor, Brook Street, Broughty Ferry, examined. *John Scott.*

6764. *The Chairman.*—What have you to tell us about this matter?—I have been in Broughty Ferry for eight or nine years. Since I came there I have been in the habit of taking a glass occasionally, and I find no difficulty in getting anything I want at the grocers' shops, provided I have the money. I went into several shops, asked for a glass, laid down the money, and got my glass. As some of the witnesses have told you, I was put in behind a tea-box, and there I consumed the glass and walked out. I have done that several times in several of the grocers' shops at the Ferry. Since that time I have had occasion to be in the grocers' shops doing business with them, getting provisions, and so on, and I have seen other parties consuming liquor there.

6765. How long ago are you speaking of?—About five years ago, I suppose.

6766. Do you know of anything of that sort in the present year?—If I were to speak my mind I would say the thing is not altered in the least. It is as easy to get it as ever, I am convinced, though I do not taste it now myself.

6767. When you say you are convinced of it, what do you go upon?—The reason I have for thinking so is that I know several parties who are very fond of a good glass, and I see them go into some of the houses not far from me, and it is my belief, though I may be wrong, that they go there for little else than to get drink.

6768. You see men going into the grocers' shops in a way that makes you think they are going there to drink?—Yes.

6769. *Mr Campbell Swinton.*—Generally speaking, I suppose, the men do not go to order the groceries?—No.

6770. It is the women of the family who do that?—Yes.

6771. And if the men go in you think it is to drink?—Not in every case; but there are some parties who go of whom I have a strong suspicion at any rate. In fact, if it were properly put to them, I don't think they would deny it.

6772. *The Chairman.*—Do you know any cases of wives getting drink at the grocers' shops without their husbands' knowledge?—No, I am not aware of that. Before I was married, I was in lodgings at the Ferry. I had a neighbour or two in the lodging-house, and the only instance in which I could say that drink was got by pass-books was in that case. My neighbour was rather addicted to drink—he could take a good glass—and when he ran short of money, as we were perfectly aware we need not go to the publican and ask credit, he got a pass-book from the landlady and went to the grocer's, where he got whisky, and had it marked in the book.

6773. It is suggested that when men go to the grocer's it may be to buy tobacco and not spirits?—That may be, I do not follow them in to see; but I have seen drink consumed in the grocers' when I was there myself.

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6774. *Mr Campbell Swinton*.—You do not speak of a single shop, but of shops generally?—Yes; a good many of them in the Ferry.

6775. *Mr M'Lagan*.—Did you ever see any one coming tipsy out of a grocer's shop?—I have seen them come out pretty tipsy; but whether they get the drink inside or not, I cannot tell. But it is quite a common occurrence.

6776. Did you ever see any going tipsy into a shop?—Well, although I am a total abstainer, I have not been in the habit of watching the grocers' shops.

John Lamond. 250. Mr JOHN LAMOND, Foundry Workman, 13 Nigill Street, Dundee, examined.

6777. *The Chairman*.—What can you tell us about the grocers' licences?—I do not know rightly where to begin. It is five and a half years since I tasted drink; but during the time I was drinking in this town I was never refused a glass of whisky in a grocer's if I was not too tipsy.

6778. Have you been into many shops for it?—I was in many of them, and I have also seen other parties getting it. I could have got drink, if I had the money, any hour of the twenty-four, Sunday and Saturday, when I was drinking. To let you know, every one in the drinking way has his own place, or he makes it up with some one where they can get drink, whether they have money or not. Now, I have found that if I could not get it in the grocer and spirit-dealer's shop, I could get it in his house, and I cannot tell you all the frauds I have seen committed, because there are a great many frauds connected with the drink system, and apart from the drink altogether. I consider honestly as a citizen that it is not putting two men on a fair footing to give one a licence for spirits and refuse it to the other. The one cannot cope with the other. In all my experience I have never been refused drink quietly in the back shop if I was sober, in a way that would not be detected, by going and looking at the door to see if the coast was clear. There was nothing wrong if the money was there. That is upon my oath.

6779. Were these small shops that you refer to?—Just the regular run of grocers and spirit-dealers.

6780. Now, does that business go on still?—I cannot say. I do not think it is my duty to watch anybody, but by what I have heard—and I can believe some of the statements I have heard—the thing is going on still. I have no doubt of it.

6781. Do you know of women being led to drink by getting it at the grocers' shops?—I have seen them getting it myself when I would be there, and, to tell you the truth, I have heard them giving very strange statements to get it. But there is no use turning up these things, because you see at a glance that the women do get it, and do not get it in a right way.

6782. What do you mean by saying they do not get it in a right way?—By giving in false statements,—putting other things in the book instead of drink. I know that perfectly.

6783. You mean they get it put down under other names?—Yes. Perhaps a loaf of bread in place of a gill. I am certain of that. I have seen it.

6784. Lately?—Oh, when I was drinking.

6785. You have heard women tell the grocer to put it down as so-and-so?—When I was in getting my glass, I have seen them coming in with their book and seen it done. In fact, I could not sit here and tell you the low work I have seen carried on in these grocery and spirit-dealers' shops. I am telling the honest truth.

6786. Are you interested in putting down the liquor traffic altogether?—I am not one of those who think they can pull down the liquor traffic with one pull, but I would like to curtail it, so far as I can. I am sure it is injurious to the grocery and spirit-dealers. I would have everything on its own feet. I do not think that liquor is doing much good to anybody, and I am

for putting a root to that great tree which is ruining so many.

6787. *Mr Campbell Swinton*.—But upon the whole you think the grocers are more dangerous than the publicans?—Well, I may safely say they are a little more dangerous, because I have seen parties looking into the grocer's shop and getting a glass when they would not go into a publichouse, because it would be perfectly well known it was drink they were wanting. They were acquainted with the grocer, and then as they came out they would put their hand in their pocket as if they had been getting an ounce of tobacco.

6788. On the other hand, is it not the case that those who go to the publican instead of the grocer are apt to take more in the publichouse than they would have the opportunity of taking, however anxious they were, in the grocer's?—Well, in fact, when a man gets some drink into him it puts him wrong altogether, and he does not care where he goes if he gets it,—he will go anywhere to get it.

6789. But if he goes into the publichouse he is not in a hurry to get away; while in the grocer's shop he is in a hurry and wants to conceal it?—In the publichouse he can stop as long as he likes; but then perhaps there are parties whom he does not want to know that he has been drinking at all. They would be sure to know if they saw him going into a publichouse; but when he goes into the grocer's he can get his glass without its being known what he has got. I know a great many women get it in that way, because I am sure there are plenty of our town's-women who would not go in so handy to a publichouse fair and open as they would to a grocery and spirit dealer's to get drink.

6790. *Mr M'Lagan*.—At what hour did you go in to get your glass at the grocer's?—Any hour as I passed.

6791. In broad daylight?—Any hour of the day that was handiest.

6792. Did you go in sometimes when you were going to your work in the morning before 8 o'clock?—I had very little occasion to go at that time, but I have got it at that time. I have got it at any hour of the twenty-four. I knew places where I could get it at any time, and so I believe every drinking man would say if he told the truth, but it is 5½ years since I had anything to do with it.

251. Mr JAMES H. BRSE, Cutler, 10 Kinloch Place, Dundee, examined.

6793. *The Chairman*.—What can you tell us about this question?—The only thing I can say is that I have got drink in two or three grocers' shops in Dundee and two or three in Arbroath.

6794. How long since?—It is 7 years since I got it in Arbroath. I have got it in Dundee within the past 3 years.

6795. Did you get it often in Dundee?—Not very often.

6796. Now and then?—Just now and then, occasionally.

6797. In more than one house?—Yes. But I know it is to be got in licensed grocers' shops in Dundee from seeing parties standing inside. There is one shop I know which is divided into two, but the partition does not go right across—there is only a small ledge—and the parties getting the drink generally stand in beside the ledge and there consume it. I have seen them doing so, and I have got it myself in the same shop. At last licensing court that grocer wanted a publichouse licence, and to do away with the licensed grocery business, because he said he could not compete with some neighbours beside him.

6798. And you know for certain that men frequent that place still?—Yes, I have seen them frequently going in there from the works. There is a public work not far from the establishment, and I have seen them leaving their work and going there for the purpose of getting drink. That is one place. I know of another

where it can be got, and where I have got it myself. As regards that other place, a party with whom I am well acquainted was in the habit of dealing with the grocer for groceries, and I have known that man's wife get drink from the grocer and have it marked down in the book as goods or something else.

6799. Do you know of any other women getting drink at the grocers' shop without their husband's knowledge?—That is the only case I ever knew.

252. Mr PETER MATTHEW, Merchant, Dundee, examined.

6799*. *The Chairman*.—What have you to state?—I should just like to mention to the Commissioners that had we known they were going to have this evening's sederunt we could have had scores of witnesses in place of the few they have had. Those men, however, are representative men, who have been plucked from the drink system during the last five or six years, and my own experience from coming in contact with men in the Good Templar Order is the same as what you have heard. I have seen with my own eyes, not far from the market place, where we do our business, two shops notoriously constantly breaking the law—in fact, it is notorious to everybody that they do break the law in this way—and I am sorry to say that I know personal friends who have suffered tremendous injury by those licenced grocers, and one of them the other day said, 'I will never go there again.' Indeed, the fact of this Commission sitting, and of its proceedings being printed in the newspapers, has set people thinking about the matter. We could give you scores of similar facts. Those are representative facts, and, I believe, represent the trade as a whole in Dundee. I have had no personal experience of drinking myself.

6800. I do not know that there would be any use of multiplying evidence over and over again?—We could not get more to-night. I have only laid laid my hands on those men within the last few hours, when we knew that you were going to sit to-night. We could get scores of such men. One witness in particular has told you of a lamentable case where his wife is actually in a Home at the present moment. Working men are sometimes so put to it that they do not know what to do; they are really at their wits' end; and in some cases the women are the same in regard to their husbands. I have gone amongst working people for six or eight years, and that is my experience. There are some lamentable cases. I believe that you gentlemen in upper life really do not know what is going on. One half of the world does not know how the other half lives.

6801. I suppose you are taking an active interest in getting men to join the temperance movement?—Yes, and I have been doing so for many years.

6802. In fact, you have been taking a lead in what called the temperance movement?—Yes. An active lead.

6803. How is it that the magistrates do not stop those cases which you say are notoriously going on?—Well, Mr M'Kay told you in Edinburgh, and some years ago in his Annual Report in Dundee he said that the licensed grocers had reduced the selling of drink for consumption on the premises to a science, the result of which is that they sell the drink and defy the police.

6804. What do you mean by defying the police?—They prevent a conviction being got, and in years gone past in Dundee we have had parties in the spirit trade members of the Town Council, and cases have had to be hushed up.

6805. When you say they defy the police, you mean they are so clever that they are not to be caught?—Exactly; that the drink is sold and consumed, and if the policeman comes in he sees nothing, and there is no conviction. It is impossible to get convictions to the extent of the breaches of certificate—literally impossible.

6806. *Mr Campbell Swinton*.—But if the powers of the police were made more extensive—if they were made as extensive as their powers with regard to publichouses,

would that not meet the evil?—It never would overcome it. The publichouses are breaking the law too. The drunken people are never reported. We never hear where the people get the drink. There is never a publican prosecuted for making a man drunk in Dundee. I do not know one in my experience; and yet on a Saturday night going up the Overgate or Scouringburn, one would think every third or fourth man and woman was under the influence of liquor. The police cannot help it. The people get the drink and toddle home, and there is £10 or £20 forfeited every Monday morning at the police court. The thing is notorious, and good men and women are wanting to know what is to be done with it.

6807. You say that in those cases it is notorious that drinking is going on. If the police have reason to suspect them they can go in and look over those houses?—Yes, and in one of the cases I allude to there was a conviction; but what is one conviction?—Why, people have been convicted to day and at it again to-morrow. They are just more alive and keen, and as a witness said, they look out whether there is a constable in view. We are not all detectives, and cannot do the constable's work, and the police are not ubiquitous. They cannot be everywhere at the same time, and their beats are large to go round. I am very anxious to get this matter laid before you. There is one grocer whom I wished to attend, but he said he could not on account of nervousness. He has been 30 years in the trade. His friends have asked him to take a licence, but he will not. He said to me, 'Put this trade on its own footing, keep it away, from groceries and you will do more good than all you are doing in the way of getting people made abstainers.' It is there that women learn to drink. Women come in for an ounce of tea or sugar, take out their little bottle, and this person found that when he could not give them the drink he never saw them again.

6808. *The Chairman*.—Do you say that those illegal proceedings in grocers' shops go on as much as ever?—My conviction is that they do.

6809. Because we understand the magistrates have been very severe, and take away the licence whenever a man is convicted?—Yes. I think Dundee never had a better bench of magistrates than it has had within the last few years, and I believe that the increase of crime is the result of the previous five or ten years' free licensing. Why, we had about 600 publichouses nine years ago, and after that the magistracy was changed, and the licences gradually fell to about 450. If the magistrates continue to act in the same way and refuse to grant licences to those convicted, Dundee will soon become a very different town from what it is to-night.

6810. But still you want to strike at the root of this mixed trade in liquor and provisions?—Yes. We think there is an evil attendant upon this drink trade, and you will never be able to deal legislatively with the trade till you see the evil in its naked deformity. So long as it is mixed up with other trades you cannot deal with it satisfactorily. It is impossible in the nature of things that you can, but if it stands alone then you know where all the drunkenness comes from, and the one cannot blame it on the other. Besides, the evil operates in another way. The grocer who should have come here said this to me:—'I have made no money by my trade; I have made a bare living, because sugar, tea, and other groceries afford the merest pittance of profit, and sometimes even a loss, caused by the licensed grocer selling his goods cheaper than I can, for the profits upon the drink enables him to do that, and what can I do?'

253. Mr DAVID THORNTON, Salesman, 16 Laurence Street, Dundee, examined.

David Thornton.

6811. *The Chairman*.—What can you tell us about this matter?—Well, there is a factory opposite the shop of a licensed grocer. The men were in the habit of going there getting drink to be consumed on the premises, and paying up their score on Saturday,—that is, getting drink at sundry times during the whole of the week and paying it up on Saturday.

Dundee.
—
David
Thurston.
—

6812. You are speaking of one particular licensed grocer?—Yes.

6813. And you say that the men got drink there through the week, and then had to pay up their score on the Saturday?—Yes; because they could not get credit in a licensed publichouse.

6814. Did they drink in the shop?—Yes, in the shop.

6815. Does that go on still?—The party has left that shop now and another party is there.

6816. How long is it since the time you are speaking of?—I think it was in 1872.

6817. Do you know if those things are going on still?—I cannot say they are going on still in that particular place.

6818. Do you know of those breaches of the law

anywhere else?—I believe so, but this was the only particular case I noticed. One of the men died, and his wife had to pay off his score after he was dead. She was charged with an account which he had accumulated in the shop for drink, and on his death she had to pay it off.

6819. But you do not know of your own knowledge or through others any actual cases of a similar kind at the present day?—No, I cannot say.

6820. Because we have reason to think that the law is a little stricter now than it was some years ago in Dundee?—I believe it could be got easily yet in the same way.

Adjourned.

DUNDEE, FRIDAY, 2ND NOVEMBER 1877.

Present:—

Sir JAMES FERGUSON, Bart.

Mr CAMPBELL SWINTON.

Sheriff CRICHTON.

SIR JAMES FERGUSON IN THE CHAIR.

William
Munro.

254. Mr WILLIAM MUNRO, Unlicensed Grocer, 13 North Port, Perth, examined.

6821. *The Chairman.*—You have come to present to us a memorial from your trade in Perth?—From the unlicensed grocers. It is as follows:—‘That your memorialists are of opinion that the trade of spirit dealer ought to be separated from that of retail grocer, for the following among other reasons. 1st, Because, in certain cases well known to your memorialists, parties holding grocers’ licences are doing the trade of an ordinary publichouse; this being manifestly unfair to the holders of publichouse licences. 2d, Because, from the scale of profits obtainable from the sale of spirituous liquors being much larger than are obtainable from the sale of groceries or provisions, those who enjoy this monopoly are able to undersell their unlicensed neighbours, and thereby unfair competition in trade is fostered and maintained, to the prejudice and detriment of your memorialists. 3d, Because, through the sale of intoxicating drinks being carried on along with the sale of the common necessities of life, the minds of women and children become familiarized with the drink traffic, the moral feeling, which acts as a check on intemperance, is thereby blunted, and through the facilities given by grocers’ licences for clandestine drinking, tipping habits have been acquired, the ranks of the habitual drunkards have been swelled, and as a consequence crime of every class largely increased. 4th, Because, our legislators recognising that the traffic in intoxicating liquors is fraught with danger to the general community, have placed it under various restrictions, and specially under police supervision; and, whereas, by the combination of the two trades facilities are given for rendering such legislation abortive; therefore, the traffic in intoxicants ought to be set free from everything which tends to render the contravention of law easy, and the detection of contraventions thereof difficult.—Thomas Munro, 73 N. Methven Street; Peter Palmer, 200 High Street; James King, 124 High Street; William McLagan, 107 High Street; W. G. Stewart, 189 High Street; John McIntosh, 69 High Street; James Chalmers, High Street; Thomas Cook, 194 South Street; Peter Smith, 203 South Street; James S. Robertson, 55 South Methven Street; John Wilson, 44 Mill Street; Wm. Young, 48 Skinnergate; William Fisher, 172 High Street; Thomas Moncrieff, 8 Leonard Street; Andrew Crerar, 5 North Methven Street; Andrew Ross, 38 Castle Gable; Hugh Young, 3 Castle Gable; Peter Robertson, 28 Princes Street; Margaret Bayne, 3 Leonard Street; Marjory Graham, 80

‘Pomarium Street; William Fenwick, 333 High Street; Peter Fenwick, 317 High Street; John M’Diarmid, 53 North Methven Street; John Paton, 240 High Street; J. Honey, 122 High Street; Wm. Munro, 13 North Port.’

6822. What proportion do the 26 persons who sign that memorial bear to the whole unlicensed grocers of the city?—They are the whole of them except 3, I think. Two of those are licensed grocers, but have separate shops, one with the licence and one without. The other gentleman who has no licence would have signed conditionally, and I promised to see him again, but could not find time. He did not agree with all the memorial, but for the last reason he could have signed it.

6823. How many of those who sign it failed to get licences themselves?—There is one in particular who told me that he tried it three times and failed.

6824. Is he in a respectable way of business?—Yes.

6825. And he would be refused because the magistrates thought there were enough already?—Yes. The provost told me so.

6826. As for yourself you have never tried for a licence?—I have never tried for one.

6827. Is that because you disapprove of it?—Yes, because I disapprove of it.

6828. Is yours a considerable family business?—Yes, a fairish family business.

6829. An old establishment?—I have been almost thirteen years in the shop where I am at present.

6830. I will ask you a question or two about the leading features of the memorial, because I suppose you are principally responsible for the language?—Yes; of course the others read it and agreed with its contents before they signed it.

6831. You say that ‘in certain cases well known to your memorialists, parties holding grocers’ licences are doing the trade of an ordinary publichouse.’ Can you give us cases without mentioning names known to you where that is the case?—Yes.

6832. Take one of which you are thinking; where does that case occur?—There is one I have in my mind just now, in which the shop is kept up mainly for the sale of drink. I myself have seen individuals who I know are in the habit of frequenting publichouses enter that shop, remain in it a certain time, and come out as if they had been getting refreshment.

6833. You mean men?—Yes, working-men, in twos or threes at a time.

6834. At what time of the day did they come out?—I have seen it after the hours of work on Saturday, and I have also seen it during the day.

6835. Now, how do you know that they did not go to buy other articles,—possibly tobacco?—One way in which I can judge of that is that I have heard them saying, 'We are going in to get one.' Besides, men do not club together when entering a shop to buy tobacco.

6836. Have you ever personally seen any drink consumed on the premises in that shop?—Not in that shop. It was impossible unless I had been inside.

6837. Will you give us another instance?—Another shop which I have in my mind is of the same nature. I have never seen drink consumed in it myself, but I have seen parties going in in the same manner—parties who I know are in the habit of frequenting publichouses. I have seen them going in, remaining for a certain time, and coming out in the same way.

6838. How many distinct cases altogether can you recollect of houses where you had good reason to believe that the trade is going on as mentioned here?—I can only speak of those two cases as well-known to myself. There are others of which I have a suspicion, and which are spoken of as doing the same, but I do not put them forward.

6839. Now, you and the others have made a statement that the profits from the sale of spirituous liquors are much larger than are obtainable from the sale of groceries or provisions. It is therefore, perhaps, not unfair to ask you what is the common percentage of profit upon ordinary groceries?—Ordinarily the profit runs from 7½ to 10 per cent.

6840. But on many other articles 10 per cent. would not be uncommon?—If there are any articles on which more than 10 per cent. is got they are not the common necessities of life.

6841. Then you probably do not know exactly what is the scale of profits made upon the sale of good spirits. Of course the profit upon adulterated or raw spirits will be higher, but I am speaking of a fair trade?—I do not know particularly, only I myself bought or ordered spirits from a wholesale dealer to supply a customer of my own, and I got from 2s. 6d. to 3s. per gallon profit on the best spirits.

6842. Suppose the spirits were three years old, what profit do you estimate that would be?—I have no experience as to the profits upon liquor other than I have given.

6843. But you make the allegation that the profit on the one is much higher than on the other?—Yes.

6844. Therefore, I ask you what you estimate the fair profit on spirits to be?—From the profit I got on a transaction like that I estimate I would have from 20 to 25 per cent., besides the profit of the wholesale dealer.

6845. Have you any experience personally of customers preferring to go to a licensed grocer where they could get both liquor and provisions rather than to deal with you?—Yes, a little.

6846. Will you give us an instance?—I had a family dealing with me for some years. At that time I was getting spirits, as I have already mentioned. I ceased doing anything in the way of getting spirits, and from that time that customer left me. I do not know whether that was the reason or not, but the customer left me.

6847. Had you the licence at one time?—No, but the customer ordered me to send a gallon of spirits, and I went to the wholesale dealer and got it.

6848. *Sheriff Crichton*.—And then you refused to do that?—Yes.

6849. And in consequence of that, as you think, this family withdrew their custom?—Yes.

6850. *The Chairman*.—Is there anything else you would like to state to us?—I have some personal experience, I may say, of seeing breaches of the law in grocers' shops, besides what I have already referred to. In shops of a class superior to the ones I have mentioned, I have been more than once taken in and treated there.

6851. And there was drink consumed at the time?—Yes, and paid for.

6852. Where was it consumed?—In the shop itself.

6853. Could that have been seen from the outside?—Not very well, because there was obscured glass on the door, and the door was shut.

6854. Could it not have been seen through the windows?—It could not.

6855. On account of the goods?—Yes.

6856. *Sheriff Crichton*.—How many times has this happened?—Twice to my recollection in one shop, and repeatedly in another shop—I cannot say how often.

6857. *The Chairman*.—When you were supplying your customers from other dealers, why did you not have a licence yourself?—I did not think of applying for it, because I did not think the trade altogether very respectable.

6858. You never liked it?—No, I never had any liking for it. I have just a word to say about the difficulty of obtaining convictions. That is noticed in the last reason of the memorial. I have repeatedly spoken to Superintendent Welsh, who was examined yesterday, about shops such as those I have mentioned, where I was sure there were contraventions carried on regularly. I have asked him if he could not get a conviction against the parties, and he told me it was utterly impossible. Besides my own personal experience in the matter which I have given already, I have had statements from different parties—commercial travellers and persons who sign this memorial, and who were previously engaged in the spirit trade, as to breaches of certificate being of common occurrence. One gentleman made a statement to me of the nature which I have described, and afterwards wrote me a letter, which I now hand to the Commissioners.

6859. What is the profession of the writer of this letter?—He is a commission agent.

6860. This gentleman says that he is willing to stand to what he told you at any time and in any place. That means that he would have no objection to come and state it before the Commission?—It may mean that. He made the statement to me in my own shop, and then wrote to me.

6861. What was the statement he made to you?—That he had been a party to the consuming of liquor in the premises mentioned there.

6862. The premises mentioned there being those of a man in a so-called very respectable way of business?—Yes. I have also to state that the treating of customers in grocers' shops is a common practice.

6863. Do you know of places where that is done?—Yes.

6864. How does that treating generally take place?—The person being treated is very likely a customer taken in and just treated to a glass of spirits, brandy, or wine, as the case may be.

6865. Is it generally done when accounts are being paid?—Yes, or when giving an order.

6866. Do you know of cases where it is done?—Yes.

6867. What class of grocer's really do that? Are they men in a large way of business, or have they a small working-class connection?—I would say they are just in a middling way, neither in the largest nor yet in the smallest.

6868. What people are they whom they treat—people who are customers?—Yes, respectable people.

6869. Do you know of any cases where servants are treated to a glass?—I cannot speak from my own experience as to that, except as regards railway servants, carters, and others. I have not been present when they were treated. I should also refer to the fact that little children are in the habit of going to grocers' shops for spirits, which are carried in baskets or bags covered up so that it cannot be seen.

6870. How do you know that?—The reason why I know it is that I have in my own mind a little girl, from 7 to 9 years of age, who in the morning will go to a licensed grocer and get spirits and come to my shop for provisions, and I have seen the bottle in her basket.

6871. *Sheriff Crichton*.—What quantity would she bring?—A small quantity.

6872. In a small bottle?—Yes, a very small bottle. I do not know that there is any other fact I can mention, but I may perhaps be permitted to give my own opinion as to the separation of the spirits and grocery trades.

6873. *The Chairman*.—I should like to ask you how you think, without injustice, a man who has held a

DURHAM.

William
Munro.

DUNDEE.
—
*William
Munro.*

licence to sell spirits for a number of years could be deprived of it?—I would not propose to deprive him of it. I would give him the option of keeping the spirit licence if he chose to drop his other business.

6874. But supposing a man had from 20 to 25 per cent. on the sale of spirits along with the grocery business, which he has held for a number of years, do you think that, without injustice, his licence could be made to cease at the end of the current year, or that he should have to give up his grocery business. Suppose, for instance, that he had laid out a good deal of capital on his premises and so forth?—I think there was an Act of Parliament passed a good many years ago separating the publichouse from the grocer's shop.

6875. But it only altered the conditions of the licence. It only prevented the grocer from selling any more for consumption on the premises?—Yes, it did more; it prevented the publican selling groceries on his licensed premises, which was common in country districts previous to the passing of that Act.

6876. You think that did interfere with his trade without notice?—Yes.

6877. *Sheriff Crichton.*—And you think there would be no more injustice in what you propose than there was when that Act of Parliament was passed?—I think not. The licensed grocer might think it hard, but the case of the unlicensed grocer who would never have an opportunity of making a business by means of a licence, would, in my opinion, be the hardest.

6878. *The Chairman.*—You think it is a right thing to do, and that it should be brought about somehow?—Yes; I think that the licensed trade ought to be separated, and should be free to the inspection of the police, which it is not at present.

*James Fox:
George
Durward.*

255. Mr JAMES FOX, Grocer and Wine
and Spirit Merchant, Arbroath, } examined.
256. Mr GEO. DURWARD, also of Arbroath, }

6879. *The Chairman.*—You have a memorial to submit to us from the licensed grocers of Arbroath?—*Mr Fox.*—Yes; it is as follows:—‘We, the subscribers, licensed grocers, and others residing in Arbroath, with reference to the investigations at present in course of being made by the Commissioners appointed by Her Majesty to inquire into the present system of licensing grocers to deal in excisable liquors, beg to represent that the present system of licensing grocers to deal in excisable liquors works well, and that any movement with the view of altering it should not be carried into effect without mature consideration; and duly weighing all the consequences, and that the present class of licensed grocers carry on their business with an anxious regard for the observance of the law, and with a sincere desire to conform to all regulations for the proper working of the system. That any proposal to separate the sale of groceries and excisable liquors should not be entertained; that such an alteration would be most unfair to the licensed grocers, who have in many instances built and fitted up their premises for the purpose of carrying on their business, and if they were to be deprived of their licences their property would be confiscated, they would be prevented from selling their excisable liquors, and would suffer great loss and injury. That they have for the most part embarked their whole means in their business, and they and their families being dependent thereon for their support, a withdrawal of their licences would be ruinous and unjust, and contrary to all equity and fairness. That such a separation would not be beneficial to the public in respect that they purchase from their grocers excisable liquors along with their other goods, and if they were unable to procure them they would be obliged to go to the publichouse. That if the right of selling excisable liquors was taken from the grocer, a messenger sent for a small supply of whisky, whom on many grounds it would be desirable to keep out of harm's way, would be obliged to go to the publichouse without alternative. That the public are thus benefited by grocers' shops in respect that such

‘messengers meet no person there, and consequently no temptation is held out to remain and partake of intoxicating liquors. That grocers shops are preferred by working people in respect that they can obtain from their grocer, along with their other goods, such quantities of spirits and other liquors as they require at the time, and when they have a friend they can procure such liquors from their grocer without being tempted to go to the publichouse. That it is thought that women and children are less likely to come to harm in grocers' shops than in publichouses, in respect that they avoid temptation,—they don't come in contact with those drinking, they are simply served with what they ask, and they do not run the risk of being urged by acquaintances or others to indulge in spirituous liquors. That the public appear to prefer to purchase liquors from grocers rather than from publicans, and they think the grocers sell better liquor, although the grocers and publicans charge much the same price. That there is no truth in the assertion that grocers sell their groceries cheaper when they have a licence to deal in excisable liquors. That any proposal to restrict the quantity to be sold by a grocer to a quart would be of no benefit whatever to those who could buy a quart, and that those who could not buy a quart would be forced to go to a publichouse if they wished a smaller quantity. That the great portion of the excisable liquors sold in Arbroath is sold in small quantities and not in bottles. That our experience is, that there is very little disposed of by grocers for consumption on the premises. That shortly after the passing of the Forbes M'Kenzie Act, the system of consumption on the premises was carried to a much greater extent than it is now, in respect that the scope of the Act was not well known or understood, and such practices are now only carried on in very few instances indeed. That the practice of supplying travellers or servants or friends with drink, either for or without payment, is altogether unknown, and that the regulation of grocers' shops is now in the great majority of cases so good that irregularities are only known in isolated cases, and no annoyance is experienced by people having drink asking to be allowed to drink in the shop. That we consider a proposal to restrict the rental of grocers' shops to a minimum unnecessary and quite uncalled for. That the rents are rather on the increase, and the class of shops occupied by grocers is yearly becoming higher. That any alteration of the hours of licensed grocers is uncalled for so long as publicans' hours are not interfered with; but the grocers will be prepared to submit to a restriction of the hours should that be deemed advisable, and they would propose that the hour of shutting should be fixed at nine o'clock p.m. That such practices as those of making fictitious entries in pass-books, or of entering other goods when liquors are supplied were never heard of in Arbroath. That working men never complained to any of us that their wives had got this done, and that we do not know of any case where goods bought at the grocer's shop have been sold for drink. That in the whole circumstances we think legislation on the subject of grocers' licences is not called for, and the system being now carefully managed, any alteration would probably be injurious instead of beneficial to the interests of the general public.—*Smith, Suttie & Co., grocers and spirit merchants; Geo. Durward, grocer and spirit dealer; John Drury, grocer and spirit dealer; James T. Sutherland, grocer and spirit dealer; John C. Murdoch, grocer and spirit dealer; Alex. Fettes, grocer and spirit dealer; James Doig, grocer and spirit dealer; Susan Mill, grocer and spirit dealer; John Stewart, grocer and spirit merchant; James Fox, grocer and spirit dealer; John Scott, grocer and spirit dealer; Gibson Brothers, grocers and spirit dealers; Archd. Stuart & Son, grocers and spirit dealers; H. Paterson, grocer and wine merchant (retailer); Andrew Meldrum, grocer and wine merchant (retailer); D. Fleming, grocer and wine merchant (retailer); S. Forrest, grocer and wine merchant; Sarah Dargie, grocer and spirit merchant; David Hay, grocer and spirit merchant; James Petrie,*

'grocer and spirit merchant; Alexander Menzies, grocer and spirit merchant; David Kynoch, grocer and spirit merchant; James B. Strachan, grocer and spirit merchant; Marion Peter, grocer and spirit merchant; Jessie Kerr, grocer and spirit merchant; William Alexander, grocer and spirit dealer; Jane Adams, grocer and spirit merchant; William Patterson, grocer and spirit merchant; Wm. Robertson, grocer and spirit merchant; F. T. Mather, grocer and spirit merchant; Susan Whyte, grocer and spirit merchant; James Davidson, grocer and spirit dealer; John Napier, grocer and spirit dealer; William Tarbat; W. C. Macdonald, J.P.'

6880. Are all those people who have signed this memorial licensed grocers?—Yes.

6881. Are there any licensed grocers in Arbroath who have not signed it?—There may be one or two, but there are not many.

6882. There are 49 licensed grocers in Arbroath, and this is signed by only 33?—We had a very short time after we thought of it. They were all called upon, and some refused, because they did not wish to have any more to do with memorials or petitions, and other parties were not in when called upon.

6883. According to the evidence before the Commission, all that you say here of the regular legal practice of licensed grocers is true of a very large portion of their body. There can be no doubt about that. A large proportion of the trade are carrying on business in a most respectable manner. But you do not go so far as to deny that there is a different practice in other places. You say that the instances are isolated, but you do not go so far as to deny that all are not carrying on business in the same way?—Well, there may be places where there is a little consumed on the premises, but, generally speaking, according to the memorial, the trade is respectably conducted in every manner possible.

6884. When you say that there is great advantage in the system of grocers' shops as compared with public-houses to servants and others who are sent messages there, because they do not come in contact with persons drinking, that would not be the case in shops where a great deal of drinking goes on?—I do not think that such a thing as a great deal of drinking in shops happens in Arbroath.

6885. You deprecate any interference whatever with the hours?—Well, a little alteration in the hours would be an improvement.

6886. What alteration would you think desirable?—The shops should not be open before eight or nine o'clock.

6887. You think that any person holding a licence ought not to be allowed to open his shop at an earlier hour than the publichouse opens?—Yes; at eight o'clock.

6888. And should not keep open later than eleven, or such other hour as the publichouse closes?—I think eleven is late enough for either trade, and even too late.

6889. *Sheriff Crichton*. Would you object to any restriction in your own business as grocer, apart altogether from the publichouses?—Well, I would be in favour of shortening the hours to eight or nine o'clock.

6890. And the same on Saturday?—Yes.

6891. *The Chairman*. Do you know how many grocers in Arbroath have not got a licence?—Perhaps three or four.

6892. Nearly all the grocers have got it?—Generally, except the co-operative stores.

6893. Have any of those unlicensed grocers been refused the licence?—Yes; there is one I know of at present, but he only commenced business within the last twelve months.

6894. Had he been bred to the trade?—He has been a considerable time at it.

6895. And he was refused?—Yes.

6896. Do you know why?—Owing to there being plenty licensed places in the locality already.

6897. Then you think that the magistrates are trying not to carry the licensing any farther?—I think they are acting on a very wise principle,—trying to reduce the number as much as possible.

6898. But when you have got nearly 50 licensed houses already to a population of 20,000, the competition must be pretty keen as it is?—Yes; there is a good number to compete with.

6899. *Sheriff Crichton*.—Is there not some hardship in refusing this unlicensed grocer a licence?—In some cases it is a hardship and in others it is not. In one case in particular I know a gentleman who conducts a very good trade without the licence.

6900. But he has never applied for one?—Never.

6901. When a respectable grocer who is conducting a respectable business applies for a licence why should he not get it?—I can give no reason if the shop and accommodation are in every way suitable—unless the magistrates see reason otherwise to refuse it.

6902. Then it is your opinion that he ought to get it?—Yes.

6903. *The Chairman*.—It has been frequently suggested that spirits ought not to be sold until they have been two years in bond, what do you say to that?—I consider it would be a very great improvement both for the public and the merchant.

6904. And you are agreeable to that?—Very agreeable.

6905. And you are agreeable to that also, Mr Durward?—*Mr Durward*.—Quite.

6906. It has also been suggested that dwellings should not be connected with licensed shops?—*Mr Fox*.—Well, in very few cases the dwelling-houses are connected with the shops. I think it is a great improvement to have the dwelling-house apart from the shop.

6907. Have you anything to say, Mr Durward, in addition to what Mr Fox has said?—*Mr Durward*.—No; I quite concur in the statements made by Mr Fox.

255. Mr WILLIAM HAY, Town Clerk, Dundee, examined.

William Hay.

6908. *The Chairman*.—How long have you been town clerk of Dundee?—For about eight years. I was provost and a magistrate for four years before that.

6909. You are aware that Provost Robertson yesterday gave us full information of the facts as to the town, and also general evidence on the subject of this enquiry. Have you anything to add to what he stated?—I concur generally with the provost in what he stated. I think he gave a very fair statement of the facts of the case. The magistrates have been very strict in Dundee for some years past—in fact, carrying out the Act in its entirety, and doing everything that is possible under the statute to restrict the licences and reduce drunkenness. Though the statistics would appear to shew some increase still, I think the explanations given by the provost to a large extent account for any supposed increase notwithstanding the restriction of the licences.

6910. *Sheriff Crichton*.—The additional vigilance of the police was mentioned as having led to the increase in the convictions for drunkenness?—To a large extent, certainly.

6911. Is there any other cause?—Perhaps this may also bear upon the matter. The restriction of the number does not necessarily imply a smaller quantity of drink sold—that is to say, of recent years one licensed establishment with large more modern accommodation may sell much more than was formerly sold under the old system when the number of licences was greater, so that restriction does not necessarily shew a reduced quantity of liquor sold. Then, with regard to the grocers, I see no objection in principle to the grocer's licence. I do not myself think that the lowest class of drunkenness arises from the grocer's licence. When I sat on the bench as a magistrate trying shebeen cases eight or nine years ago, I was in the habit of putting questions to the witnesses—generally unfortunate girls were the witnesses in those shebeen cases—and the answer I got from one and all was that they could get drink nearly every day and at every hour of the day and night in numbers of houses

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from Couttie's Wynd to Castle Street—in nearly every house in that densely populated locality. Those were unlicensed houses, and it strikes me that a great deal of the lowest vice and drunkenness at that time was due to that cause. Things may be better now. The condition of the town has been very much improved by the action of the town council and police commissioners in removing those dense and hidden localities, and the very place I have referred to is scheduled to be entirely demolished. I think that will be a very great improvement as regards the social habits of the people.

6912. *The Chairman.*—We may take it, as we have heard from three or four trustworthy witnesses, that perhaps in no place have the magistrates done their best more than in Dundee to put the trade on a proper system?—It is not possible. After considerable experience in the matter, I rather think that the difficulty is with the publichouses. I do not see the necessity for publichouses in the ordinary sense of the word, to which parties may go to sit the whole night drinking.

6913. I think we must not go into that, because we are not inquiring at all into the publichouse question at present?—I should rather think that the difficulty is there, and not with the grocer's licence. It appears to me that the grocers themselves would not object to some additional restrictions. Of course if they apply for a licence under the statute they must submit to some restrictions to secure that they are actually carrying out the terms of the licence. It has been suggested that whisky should be sold only in corked bottles, and in small quantities. I would go below a quart. I would allow half a pint to be sold, or a smaller quantity.

6914. Do you think that the licensed grocer's business is really to sell drams?—It ought not to be so.

6915. If he is allowed to sell in gills or half-pint measures, is that not just dealing in drams?—I think that could be stopped. I think his shop ought not to be like a dram shop. With reference to shebeens and the difficulty of detecting cases of that kind, we have had an Act providing that the discovery of utensils and things of that kind in the house should be taken as a presumption of a breach of the law. Well, I don't think that a grocer should have those things about his counter.

6916. That is to say, drinking vessels?—Yes.

6917. That is one point, but if you say you would not restrict him to a quart but would allow him to sell in small bottles, is that not dealing in drams?—No; I would have them all corked.

6918. But suppose the bottle just holds a glass?—I would say that it should hold half a pint.

6919. Is not half of a reputed pint a gill?—Well, I would have half a pint.

6920. You know what the presumption of the law is against the shebeener?—Yes.

6921. Would you apply a similar presumption to the licensed grocer?—I think that would be a way to prevent breach of certificate.

6922. That any drinking vessels should be proof of contravention?—They should be presumptive evidence that he is not conducting his trade in the way the magistrates mean it to be conducted.

6923. Because the police tell us, and we have had other evidence, that they may find glasses, and have reason to believe that the glasses have been emptied or are going to be filled, but unless they see the drink going down the man's throat they cannot get a conviction?—I doubt that very much.

6924. We have had the evidence of chief constables who fail in their cases because, though one man saw the drink thrown in a corner, and another saw that the glasses had the remains of spirits in them, the magistrates would not convict?—That is a question of opinion on the part of the magistrates. In shebeen cases, if the parties had got drink supplied to them on the premises that is one presumption, besides being seen drinking.

6925. How are you to know whether a man has got drink unless the man will tell you?—They sometimes see a tumbler put down.

6926. Would you think that the same presumption should be allowed in the case of licensed grocers with

respect to drinking on the premises which applies to shebeeners?—I think something of that kind should be done. The magistrates have also been very strict as regards granting licences. They have always a difficulty in dealing with the grocers' licences. The difficulty presents itself to every magistrate—'This is a good shop and a respectable man. What are we to do?' But the magistrates of Dundee have practically refused to extend the licences. They give licences perhaps when a locality springs up in a town like Dundee where there is a public want for a licensed grocer's shop, but the general rule which they adopt is to restrict the number.

6927. *Sheriff Crichton.*—Is there not some hardship in that to the unlicensed grocer conducting a respectable business?—Well, the Act gives a discretionary power to the magistrates, and on any other principle every person might come for a licence.

6928. I do not say that the magistrates are not doing right; but suppose there are two men in the same line of business a few doors from each other, and the one gets the licence and the other is refused, does it not give a great advantage in his grocery business to the one who has got the licence?—No doubt. That is the difficulty which the magistrates have, but they deal with it in this way. It is not a new question. They find 200 or 300 licences in the same town already in force, and they cannot assimilate the whole of the grocers, for this would be universal licence.

6929. *The Chairman.*—Now, that is what we want to put to you. Do you not create a monopoly of the provision trade to a certain extent, or at least put one half of the trade under a great disadvantage as compared with the other half, by limiting the privilege of selling a certain commodity?—No doubt of it. It is all surrounded with difficulties, and the question is how you are to meet the difficulty. The magistrates do their best, I have no doubt. In Dundee the convictions for breach of certificates by grocers is at the minimum. I think the Provost mentioned there were only two convictions last year. I do not see any good reason to object to the police having a right to go into a grocer's shop.

6930. You see a distinction between the case of a publican and that of a licensed grocer. The magistrates discriminate on the ground of limitation of numbers in the case of persons applying for a publichouse licence, but there they are not interfering with the sale of any other commodity?—No. I suppose no respectable grocer would object to any supervision if he sells according to his certificate. I do not think he would object to a policeman entering his shop. With regard to transfers, the magistrates are very strict. They never grant any transfer, except in open court after full examination, and they give a great deal of trouble and examination to every case.

6931. We have had full evidence of the great care which the magistrates take, but I would like to put this to you. In Dundee, with all the care that is taken on the part of the magistrates, we have the evidence of the present superintendent of police and the late superintendent of police, that perhaps 30 of the licensed grocers are suspected by the police of selling illegally still?—Well, I believe that amongst the smaller district grocers that may be so, but I do not believe the respectable grocers deal in that way.

6932. There is the greatest possible difference between the nature of the business of one kind of grocer and of another?—Certainly.

6933. And what may be perfectly true of what you call respectable family grocers, may not be quite true of a little shop in a back street?—No doubt of it.

6934. Though there may be very respectable ones there too?—Yes. The Provost has given such full evidence on the matter that I really can say no more upon it.

6935. *Sheriff Crichton.*—The Provost told us that the magistrates refuse the certificate upon one conviction. Have you known any hardship arise from that rule?—I think it has had a very material effect in improving the trade, and making the grocers more careful. It has had a good effect.

6936. I want particularly to know whether, in your

opinion, it has had a good effect?—That is my opinion most decidedly.

6937. Have you ever known any hardship arise from it?—Well, there may be a conviction sometimes through the fault of a servant, without the knowledge of the owner. In that case there may be a hardship; but, generally speaking, if a man with his eyes open neglects the warning which he gets from the magistrates every year, he has himself to blame.

258. *Ex-Bailie GEORGE T. GRAHAM, Flax Spinner and Jute Manufacturer, Dundee, examined.*

6938. *The Chairman.*—What have you to say on the subject of our inquiry?—I have given some attention to the matter, and I have no hesitation in saying that I agree very much with what has fallen from Provost Robertson. I have been looking over the number of grocers in Dundee, and I find there are now 195 licensed houses, and as regards the small rentals, there are 15 of £10, 96 of £15, and 26 of £20. The fact of there being such a number of low-rented houses in such a town as Dundee, is a positive evil to the community. I believe that if the magistrates were to limit the rental to £30 and upwards, we would have larger and more suitable premises, and the parties carrying on the business would have a staff of assistants always going about the place, who would be a check upon each other; whereas those low-rented houses are generally conducted alone by the party to whom the place belongs, and in that case you have not the same check which you have upon the other houses.

6939. Then you would think it a good plan that the magistrates should be required to fix a minimum rental?—Certainly.

6940. Do you think that rental is a better test than cubic space, which some witnesses have recommended?—Well, if you have a man paying a large rental, he must have brought capital into the business, and that is a stimulant to him to look sharply after what is going on.

6941. And in a locality where ground was valuable, you might have valuable premises not very large?—Well, I would insist upon large premises, where parties could be seen going out and in, and where everything was visible.

6942. *Sheriff Crichton.*—But the test of space has been suggested and not rental. What is your view as to that?—I would certainly have large suitable premises.

6943. Do you think rental would secure that?—Yes, I think so.

6944. *The Chairman.*—You probably employ a great many hands?—I do.

6945. What is your opinion as to the effect upon the working men of the mode of buying liquor in grocers' shops as compared with the publichouse?—My experience of the matter is that as a rule you get better liquor in a respectable grocer's house than you get in a large quantity of those small publichouses.

6946. In what respect do you think the liquor better?—A respectable grocer cannot afford to sell an inferior article, or he loses his business.

6947. But in what respect is the publichouse article inferior?—There are some parties inclined to sell the liquor too soon. I say that no person should be allowed to sell liquor unless it is two years old.

6948. If means were provided whereby liquor would not be let out of bond till it was two years old, then it would be as good in that respect in one place as in another?—Yes, if it was not mixed.

6949. But that is adulteration?—Yes.

6950. And that a public analyst could look after?—Yes, if he does his duty.

6951. Then, if proper steps were taken to see that only pure spirit of a certain age was sold, it would be as good in one place as in another to that extent?—It would be a very difficult matter to do that in such a

town as Dundee. The town is so large, that you would require a large staff going about to see that things were going on properly.

6952. Is there any difficulty in seeing that impure milk is not sold?—There is an immense quantity sold.

6953. But if the public analyst does his duty, he can check that?—A man is not capable of looking after so large a place.

6954. But suppose you have two or three. In Glasgow there are only two men to do the work, and our evidence is that it is efficiently done; that a dealer does not know when the analyst may drop upon him; and the analysts say that in all their samples they never find adulteration of spirits?—I do not see that two men are capable of doing it.

6955. Whether two or ten are required is a question of detail; but if Parliament so decided, the thing could be done?—Well, the quality of the spirit should be thoroughly looked after. The poor man is as much entitled to a good glass of whisky as the rich man is.

6956. You have given, as your first reason why the grocer's shop is better for the working men than the publichouse, that they get better stuff at the grocer's?—That is my experience.

6957. Is there any other respect in which it is better?—Nothing occurs to me at this moment. I should like, however, to see the grocers' hours fixed at from eight in the morning till eight in the evening, and till nine o'clock on Saturdays; and I should like to see the grocer limited to bottles containing not less than one pint, and that the bottles should be sealed.

6958. Why do you think that restriction should be made?—Because, if young boys or girls are sent to the grocer's for a small quantity of liquor, the vessel is open, and they have an opportunity of tasting the liquor; but if the grocer supplies a sealed bottle, it is taken straight home, and after it is home the family have a check upon each other. I have a great objection to those little houses where liquor is sold in small quantities.

6959. We know that a large trade is done by some grocers in small quantities. Do you think that is not a desirable part of their business?—I would say it is not a desirable part.

6960. Many people have recommended that they should be allowed to sell small quantities, but in corked or sealed bottles?—I would not insist upon a pint; but whatever be the quantity, it should be sold in sealed bottles, because that would remove temptation from young persons going on such errands.

6961. We have heard of bills being run up at grocers' shops by working men and their wives, and witnesses have said that the giving of credit for spirits in those shops leads men to drink more than they would do, and leads their wives to drink, because they would not get credit at the publichouse. Do you know anything about that?—I have heard a good deal on that point, and I see it has been stated yesterday that there is an objection to the grocer putting 'to goods' into his book. Now, taking a grocer in a large way of business, if he were to give details to every person who came to his shop on a Saturday evening, he would require half-a-dozen shorthand writers, and I think he is entitled to sum up the purchases at the moment, and enter 'sundries' or 'goods.'

6962. But if every other entry of groceries is put down in full, and the 'sundries' or 'goods' turn out to be whisky, that would be a different matter?—Yes; I would go against that.

6963. What I put to you is, that the evidence we have had is to the effect that by reason of the credit given at the grocer's, men and their wives often drink a great deal more spirits than they would do if they had to go and pay ready money at the publichouse.—Oh, I don't believe it. If a man or woman wants whisky they will find ways and means of getting it.

6964. But the point put to us is this, that when a man's money is gone, if he requires to pay ready money, he cannot drink any more?—But then you have the pawn shops open.

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Ex-Bailie
Graham.

DUNDEE. 259. Mr JOHN WHITE, 33 West Port,
 — 260. Mr DAVID HENDERSON, 242 Perth
 John White; Road,
 David Henderson; 261. Mr WILLIAM BREW, 77 and 79 Nether-
 William gate,
 Brew; 262. Mr GEORGE MANN, 42 Wellgate,
 George Mann. Dundee,

examined.

6965. *The Chairman.*—You are all licensed grocers?
 —*Mr Henderson.*—Yes.

6966. Have you any statement to make to us?—I am vice-president of the Grocers' Society, numbering 108 members. That society represents the licensed trade generally. I have read carefully the evidence which has been given in Edinburgh and Glasgow, and in Dundee yesterday; and there are a good many statements made therein which my experience does not permit me to concur with. I know very well that a number of years ago the complaints now made were well-founded, but I think, on account of the very stringent and, I consider, very correct way in which the magistrates here, and, I believe, elsewhere, have dealt with licences, the grocers themselves have become much more careful of late years. The infringements of the law, which I regret to say were then not uncommon, have to a great extent now disappeared, and I think that is the reason why the convictions have fallen so much as compared with what they were in previous years.

6967. Will you tell us in what respects the action of the magistrates has led to this improvement?—Well, it arises from one or two causes. In the first place, the parties who have been convicted have either been severely reprimanded or have lost their licence, and those who have wives and families depending upon a mixed trade, know that the staff of bread will be cut off, and therefore they will be much more careful.

6968. The strictness of the magistrates has made them much more careful as to breaking the law?—Yes. Then again we were always under the impression—and indeed we had a special meeting regarding it—that the police had the power to come and visit our places at any time, and it was only when the evidence came out recently before this Commission that we knew they had not the same power with regard to grocers' shops as with regard to publichouses; and I have been deputed to say that we are perfectly willing they should have the same power in every way. We would not, of course, like to be pestered unnecessarily, but we are quite willing that at any time they should come and visit any of the licensed grocers.

6969. Of course a highly respectable man is not afraid of the police coming in; the police do not trouble him because he is not breaking the law—it is the suspected man?—Just so. Well, we are delighted to see the police, and so far as my experience goes (I have been 13 years on my own account, I never was annoyed in the slightest degree by a policeman).

6970. You have mentioned the strictness of the magistrates in dealing with offences as having deterred parties from breaking the law who might otherwise have done it. Is there any other way in which amendment has been brought about?—Yes, but there is another thing that comes on the top of that, viz., that the parties who broke the law have been convicted and lost their licences, and are now out of the trade. A better class of men has come in, and consequently there are fewer convictions.

6971. The magistrates have also been particular in inspecting premises?—Certainly.

6972. Is that a good means of improvement?—I think it is a step in the right direction.

6973. What restriction on premises would you recommend to keep the trade respectable?—That is a difficult point, for this reason, that while you might pay a rental of £100 for premises in the centre of Dundee—and that would not produce a very large shop there—the same size of place might be got in the outskirts for £18 or £20. I cannot see how you can draw a hard-and-fast line in regard to that.

6974. Even in one town?—Yes.

6975. What should you say to a rule that a grocer's shop must not have a back door?—We are all delighted to agree to that.

6976. Would it do in a large establishment not to have a place for taking in goods apart from the front door?—Well, it would probably be an advantage to have another door, but we are willing to throw that aside if it will please those parties anxious to have the thing fairly settled. I know it would be of great advantage to use our side doors to go into our cellars, but that is a point on which I believe the grocers will not insist.

6977. What is your opinion as to the restriction of the quantity to be sold?—That is another point which, like the rental, is most difficult to settle. There are some parts of the town where such a thing as a gill is almost never sold, and there are other parts of the town where decent respectable people in the humbler walks of life seldom buy more than a gill; so that what would apply to one place would be totally inapplicable to another.

6978. Do you know any particular business where a large trade in small quantities is done? Does any gentleman here do much in that way?—No. But there are some localities—for instance, the Scouringburn—where the population is composed almost entirely of working people, and I believe those people are scarcely ever able to get more than the smallest quantities—a gill or perhaps half a bottle at a time—while in the part of the town where I live, for example, there is not much of that required at all.

6979. You say the working people living there are not able to afford to get more than a gill of whisky?—Yes.

6980. Why is it that they cannot afford to buy more than that at a time?—Well, trade has not been so good in Dundee for some time back, and they have their rent, taxes, and so on, to provide for.

6981. Do you mean that in a week they will not have more than a gill of whisky?—Just what they require, or if their children are sick and are ordered it for medicine.

6982. Well, doctors do not order whisky very often for children?—A doctor whose practice is almost entirely amongst that class told me the other day that he not only recommended it, but recommended them to get just what was required, as he thought it was unnecessary and dangerous to get more.

6983. But, really, you do not mean to say that that accounts for a shop doing a large trade in small drams? I want to know what you mean by the necessity of the grocer to sell large quantities of whisky but in small portions?—I can only account for it in this way, that people do not require it. Some families use it as an every-day article of diet,—wine, and so on.

6984. But we are talking of spirits, not wine; because I do not think that working men use wine as a daily article of diet. We are talking of a class of grocers who say they require to sell a great deal of spirits in small quantities, because the people cannot afford to buy more than a gill at a time. Are those not just drams?—Quite possible they may be drams, but they are taken home, and the people have their drams at home with probably a friend from the country or a neighbour; and if a dram suits them it would be a pity they should be required to buy half a bottle.

6985. Then you think it is a regular part of a grocer's business, and ought to be so, to sell whisky in drams?—If I understand you right, you mean perhaps half gills, but put into a bottle.

6986. Yes.—Well, for my part, I would not think it an improvement to confine the grocers to any quantity, because, if it were so, the people would require to send their girls or friends to the publichouse, and I do not think that would be an improvement.

6987. Do you think it is a common thing for working men who are steady to take a dram of spirits frequently?—I believe it is not uncommon.

6988. I mean, in their own houses. Of course they have as good a right to go to the publichouse as any person has, but do you think it is a common thing, in

the case of a respectable working man, to take drams home?—I can scarcely give an opinion upon that.

6989. But it is your opinion upon that, that is your argument?—I know this, that on the Saturday they will come and buy their tea and sugar, and they will take a little whisky away home with them,—I do not know what they do with it.

6990. Because the contention on the other side is that the selling of small quantities for immediate consumption is the publican's business?—I understood the publican's business was to sell for consumption on the premises.

6991. On or off. There is no such thing as a man licensed to sell only for consumption on the premises?—Then I think they are taking up a part of our business.

6992. Then you think that the selling of liquor in any quantity, large or small, provided it is not drunk on the premises, is a grocer's business?—In corked bottles. I should like to refer to a complaint which has been made, and which has given very considerable annoyance to us who really wish and have striven to conduct our business properly. I refer to the charge of marking down 'goods' or 'sundries' when liquor is given. Now, I have always thought there has been far too much made of that, and for this reason. If my wife went to buy the groceries, and if I had reason to suspect there was drink put down surreptitiously in the account, I would say to her—'We will burn the pass-book, and 'pay cash for our groceries, and there will be no fear of 'that happening again.' Besides, when we find that for a good long while the magistrates have struck such items out of an account when sued for, I really think that such a practice is now reduced to the minimum. I think it does not exist to any extent.

6993. All you can say is, that it is unknown in your business or the business of the other gentlemen here. We have evidence that it is frequently done elsewhere; and all you can say is, that in your circle it is not done?—Yes. In regard to the hours, I met with the rest of my brethren in the trade, and I stuck in for 8 in the morning and 8 at night. One or two desired to have it till 9 on the Saturdays, and to secure unanimity I agreed to that. We therefore recommend that the hours should be from 8 till 8, and till 9 on the Saturdays, with this provision, that the licensed publicans should shut at the same time. I think it would confer a great benefit on the community, and release a great many young men from slavery. I do not think the public would suffer, and I do not think the merchant would lose by it.

6994. If all the grocers were made to close at that time?—Yes, and all licensed places except inns, which are different altogether.

6995. Supposing the hours of the publichouses to remain as they are, would your trade be satisfied to close at 8 in the evening?—Just now we all open at 8 and close at 8. Some parties keep open later on Saturday, but I commenced sometime ago to close at 8 on Saturday, and I have not heard any complaint from customers, nor have I suffered any loss. As the working people get their wages partly on the Thursdays and partly on the Saturdays by 1 o'clock, there would be no hardship upon them in what I have suggested.

6996. With regard to a trader who sells spirits in small quantities, if you make him close at 8, while the publichouse remains open till 10 or 11, and if the sale of gills and half-gills is part of his business, you would be taking it away from him and giving it to the publican?—Yes, and that is the reason why I should recommend the publichouse to be shut as well.

6997. Then I want to know whether you are able to say that your trade would be content to shut at 8, even if the publichouses were open two or three hours later?—Well, whatever the publichouses do, I think we would be content to have our hours fixed at from 8 to 8 and a little later on Saturdays.

6998. That would be rather a trade law than one in the interests of the public. I understand the trade would approve of the hours you have mentioned, and think they would be satisfactory for all. Is that not because some traders just now are made to keep open

later than they wish by the competition of others?—I believe that is so; and we do not think those parties would suffer so much in those isolated cases.

6999. Are you not rather on the same footing as men in any other trade who are forced to keep open late through competition?—Well, I do not think it would do us any harm, because I have been in unlicensed places which did not shut till 12 o'clock, and when the agreement was brought about to shut at 10 we found the public were perfectly well pleased.

7000. Then why can you not agree now to close at a certain hour without Parliament interfering?—The town I referred to was comparatively small, so that we could get the grocers together and talk the matter over, but here we have such a host that it would be impossible to get them to agree.

7001. But you are not more numerous than the drapers, for instance?—Well, some of them keep open very late, and some shut early. A good deal has been made of the restriction upon those parties who are not licensed,—that is to say, that the licensed grocer benefits to some extent at the expense of the unlicensed man. Well, this is a trade which, as every one admits, must be under restrictions, and where there are restrictions there must always be to some extent a little hardship. I admit that; but how is the matter to be cured? It is not an easy thing for those who have to grant or withhold the licence, and we are not finding fault with the magistrates for the discriminating way in which they discharge their duty. I have heard a shipowner complaining that he could not get another 100 tons put on board his ship on account of the load-line, and he was grumbling about the law as to that having been passed. My reply to him was that the restriction was necessary for the safety of his ship, and he must be content with it.

7002. But is that a proper illustration?—The limiting of the load is like limiting the publican to 11 o'clock, because he could make more money if he were allowed to keep open later. But that is quite a different thing from saying that there shall only be a certain number of men allowed to carry in ships at all, which would be a parallel to the case you are putting. You see this is made a close trade to certain parties, and the restriction is not as to the quality to be sold, but is to the effect that only a certain number shall be allowed to sell at all. Now, the complaint is that by the restriction of this privilege, which is attached to the sale of groceries, a great advantage is given to the licensed grocer in the sale of groceries. That is the point.—Well, I do not know that the advantage is very great. The advantage is more in the accommodation of our customers than in profit to ourselves; because, if we take into consideration the price we pay for liquors, the time we keep them, the cost of the licence, and all necessary expenditure connected with keeping them in proper condition, I think the notions about profits are very much exaggerated.

7003. But still you think it worth your while to have the licence?—I find it necessary for the accommodation of my customers.

7004. And your neighbour also would like to have it for the accommodation of his customers, but the magistrates say 'No, there are enough of licences here already.' Well, the unlicensed grocer says that gives you an advantage over him.—That is where the hardship of restriction comes in, and how it is to be got over is the difficulty. Two men, for example, take publichouses and come forward for a licence, but the magistrates grant it to the one and refuse it to the other.

7005. But then the publichouse keeper has no other business worked with the liquor trade, upon which the liquor trade depends.—I am pointing to the hardships of one grocer having the licence and another having it not, and in the same way of one publican having a licence and another being refused it. I think the case of the publican is the hardest as if refused he cannot open a shop for his business at all.

7006. But is that a fair parallel? Because the publican's business is to sell liquor, while the grocer's business is to sell groceries; and the fact of a grocer getting a licence procures him more customers, because they

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John White;
David
Henderson;
William
Brew;
George Macn.

DUNDEE. find it convenient to get their liquors and groceries together.—I have always considered that the sale of liquors in a family trade was part and parcel of a grocer's business.

John White; David Henderson; William Brew; George Mann. 7007. I have now to ask the other gentlemen here if they concur generally in what Mr Henderson has said. *Mr White.*—Yes. *Mr Mann.*—There is only one thing I would like to advert to, viz., about the casks. It would be very inconvenient for us to have to keep them in the cellar or the back premises. I think we should be allowed to keep them in the front shop.

7008. But if a man wishes to break the law and sell drams in the shop, does the fact of a cask standing there not make it easier for him to fill out a glass?—It is very much easier of detection if it is in the front shop. The policeman can see it very much better there than in the back premises.

7009. The policeman cannot be standing at the door all day long looking in. The dealer has only to put somebody at the door to see if the policeman is in sight, and then fill out a glass, and so the law is evaded.—There might be only one man in the shop, and the quantity not made up which a customer wants.

7010. Of course you would require to have a stock in the shop?—Then we could draw the cork if we wanted to evade the law.

7011. *Mr Campbell Swinton.*—What is to prevent you filling your bottles on the previous night, and having nothing but bottles in the shop?—We have customers coming in with jars to be filled.

7012. Which they afterwards close. These are not open vessels?—No, we do not want to sell in open vessels. *Mr Mann.*—Suppose the master was out, and only a lad in the shop, if a person came in with a jar, he would require to go away and get it filled? It would scarcely work.

7013. *The Chairman.*—Would it be many times in the day that gallon jars would be brought in to be filled?—There might not be one in a week, and then, perhaps, three or four in a single day.

7014. Are those jars generally the property of the customers?—They are our property to begin with; but when they go out, they seldom come back.

7015. If that is the case, what is to prevent you from having filled jars?—Whisky improves better in the wood, and we do not put it into glass or jars, because it never improves after that. We might have several jars filled and not get such an order for a twelvemonth.

7016. Do you not know in your business pretty nearly how many jars you want in a week?—I could scarcely say so. Besides, supposing that to be so, I do not see what improvement would arise from it.

7017. Not even if it helped to put down evasion, and if the law is more easy of evasion when a man has a tap in his shop and can turn on the whisky in a moment?—Well, I think matters are now in such a position that no respectable man would risk evading the law.

7018. *Mr Campbell Swinton.*—In short, this about the casks just amounts to inconvenience. It is not an impossibility?—No; it is objectionable on the score of inconvenience, and would be a very great hardship especially to grocers who do not have proper cellar accommodation.

7019. And if the legislature thought it of great importance, you would meet it rather than give up your trade?—We would adapt ourselves to the circumstances, but still it would be an inconvenience looking at it fairly.

7020. *Sheriff Crichton.*—What do you say as to spirits being kept in bond for two years?—I have no objection to that. *Mr Henderson.*—No, or even longer, if necessary.

question of trade and business, I know nothing about it. I think I might as well have been at home; but if any questions are asked of me, I shall answer them as well as I am able.

7023. Has your attention been directed to the operation of the licence to sell liquor not to be consumed on the premises, and have you formed any opinion upon that?—I see no objection to the system as at present carried on. I see no objection to the grocers having licences to sell drink.

7024. I suppose you mean so long as the business is conducted according to law?—Of course.

7025. Is the business to which you refer such a business as a family grocer carries on, or such a business as has been described to us,—the business of a grocer amongst a working-class population, selling large quantities of spirits in small portions,—that is to say, to all intents and purposes drams, only not to be consumed on the premises?—My knowledge is chiefly confined to family grocers, and I think they conduct their business fairly and honestly. I do not say that no man breaks the law; but I think the business is on the whole fairly conducted.

7026. Then that relates to wine, ale, and spirits taken home for family use?—Yes.

7027. In fact, wine merchants on a small or, it may be, a large scale?—Yes.

7028. I think I may say there have been no objections urged to that trade except that it gives an advantage to one trader over another in the same line of business, as the licensed grocer tells us it is a great convenience to his customers to get their liquor at the place where they get their groceries, and, *per contra*, that places his neighbour who is not licensed at a disadvantage?—Of course it does.

7029. Well, then, *prima facie*, you would say it was unfair to the one as compared with the other?—It is for the legislature to say whether they would extend the licences or not; as a doctor I do not know about that.

7030. *Mr Campbell Swinton.*—Or the legislature, instead of extending them, might restrict them?—Yes. For my own part, I think it would be a great annoyance to people not to be able to get their spirits and wine from the grocer's.

7031. Leaving wine out of view, for we are not dealing so much with that class of grocers, where would be the great inconvenience to people who wanted spirits of getting them in large quantities from the spirit-merchant and in small quantities from the publichouse?—I do not think the publichouse is the best place to which to go or send a servant girl. There are many respectable publichouses in Dundee, I have no doubt, but I would rather send for wine and spirits to the grocer's than to the publichouse.

7032. You have no experience of grocers who give a glass of spirits to servants?—No.

7033. *The Chairman.*—Suppose the publichouse was not the necessary alternative if small quantities were wanted,—because there are spirit-dealers who have a licence to sell in the same way as a grocer sells, but who do not deal in groceries,—would it not come to the same thing if you sent to such a respectable dealer?—Much the same thing.

7034. Some persons who have been before us on behalf of the trade have laid stress on the necessity of small quantities of spirits being got for medical purposes,—for children. Is it of common occurrence that there is any necessity for getting spirits for medical purposes,—for children?—I would not say for children specially, but it is common to give some spirits or wine to sick people.

7035. Especially to women in childbirth?—In all kinds of diseases you often require to give a little.

7036. Have any cases come under your notice of family trouble arising from women having got spirits home from the grocer's?—No.

7037. *Mr Campbell Swinton.*—Do you think the habit of drinking is increasing or diminishing amongst women?—I cannot give an opinion upon that point.

7038. Perhaps you do not practice much amongst the working classes?—Yes, but from what I see I would

James Arrol.

263. Dr JAMES ARROT, examined.

7021. *The Chairman.*—You have been long in practice in Dundee?—Nearly 50 years.

7022. I believe you are prepared to make a statement to us on the subject of our enquiry?—No; I was asked by several people about the matter. As a mere

not be entitled to give an opinion as to whether drunkenness is increasing amongst females, rich and poor.

7039. *The Chairman*.—Can you say whether the use of ardent spirits is increasing or diminishing?—Taking the community generally, I think the use of ardent spirits is increasing.

7040. We have had stress laid upon its being an advantage that respectable people should be able to get liquor for use at home without going to the publichouse. Do you think, medically speaking or morally speaking, that it is an advantage that facilities should be given for that?—It depends on how it is given. If I were attending a family, one of whom had a tendency to take too much, I would rather he was allowed to take only a gill home with him, and not a quart bottle, to drink on the Sunday.

7041. But taking an emergency where spirits were required at once, would it be any hardship that they should have to send to the publichouse for them?—No; if the publichouse was near it would be no hardship.

7042. But you would say it was rather a mischief that more facilities should be given so as to increase the frequent use of ardent spirits at home. I think there are plenty facilities at the present time.

7043. And it would be undesirable to increase them?—I see no need for increasing the facilities.

7044. *Mr Campbell Swinton*.—I think you have rather gone the length of saying you do not see any necessity for diminishing them?—I think that at present, so far as I know, the trade in Dundee is carried on faithfully, honestly, and in a fair and satisfactory way.

264. *Mr JAMES IRVINE*, Journeyman Shoemaker, Arbroath, examined.

7045. *The Chairman*.—What have you to say upon the subject of our inquiry?—I am of opinion that things are as well as they are,—that it would be better to let things remain as they are.

7046. That is to say, that the means of getting liquor as you want it from the grocer's to take home, you find a convenience?—Yes.

7047. But I suppose you do not mean that if it is proved that in some quarters the law is broken, there should be nothing done to remedy that?—Of course not. I think, however, that a little more attention on the part of those whose duty it is to attend to that would find out the few who do break the law, if what is alleged is true.

7048. Suppose it has been proved that in a grocer's shop, in a working class locality, there is a habit of selling liquor and drinking it in the shop with a look-out kept for the police, how would more attention on the part of the police stop that?—As regards that, I knew of something of that sort being done formerly, but within the last dozen years I think there has been a great improvement in that respect. I am sure the law is much less frequently broken now than it used to be in Arbroath. I can give several reasons for that. One reason is that magistrates of late years have been more particular as to the parties to whom they give the licence, and another reason that has operated to some extent is that the grocers have been feeling they are on their good behaviour. I think the abuses of the trade are gradually diminishing.

7049. Do you consider it is the habit of working men to want small quantities of liquor in their houses?—Yes.

7050. Is it a daily want?—Not in every household, by any means; but I have no sympathy with those who advocate the system of grocers selling in sealed bottles, either pint or half-pint. I think it is absurd, because in working men's households, for one pint or half-pint that is required there are ten occasions when a much smaller quantity is required; and if it be made the law that no quantity can be sold over half a gill unless in a sealed bottle, it will add very unnecessarily to the expense, and reduce the thing to an absurdity.

3051. How would it add to the expense if the spirits must be sold in a bottle whatever the quantity is?—That is the present practice.

7052. The bottles are not sealed; will the sealing lead to much expense?—I think so. It will lead to the merchant keeping a large number of those in stock, and I cannot see how that will not add to the expense, and probably lead to the deterioration of the liquor.

7053. Well, most merchants can tell how much they sell every day; their trade will be much the same one week with another; would they not provide for that, knowing they would want so many bottles and would get the bottles back?—Well, I think it would lead to expense, and I do not see any advantage over the present system.

7054. But the present system varies very much; in some places everybody sends his bottle and gets it filled, while in others they send a cup and get the spirits in a cup?—I am not acquainted with that method.

7055. You would not think it a good thing that they should get it away in a cup?—I never saw the cup used.

7056. At present there is no breach of the law in doing so, and you say generally that the law should remain as it is. But do you think, for instance, that a child should be sent to get spirits in a cup?—I would not object to its being enacted that spirits should be carried out of grocer's premises only in bottles, but I object to its being made compulsory that the bottles should be sealed. The only practice I have seen is to put the spirits in a bottle and cork the bottle.

7057. But what is represented is that by the bottles being sent to the shop and filled in the shop, there is nothing to prevent a man who wants to evade the law from filling out liquor to be drunk in the shop. The advantage proposed to be got from keeping sealed bottles in the shop, and selling sealed bottles out of the shop is, that there would not be the same facility for giving drink to be drunk in the shop?—Of course there would not.

7058. And that would be a certain advantage if it is an object to prevent the breaking of the law?—Of course; but if a grocer intends to violate the law by giving liquor to be consumed in his shop, even with sealed bottles, he could give it in a measure.

7059. But suppose he did not keep the liquor in bulk in his shop at all, but only those bottles, he could not do that?—In that case it would not be so easy.

7060. Not to say it is any great harm to drink liquor in a shop,—because it is wrong merely because you shall not do it,—but if it be wrong it ought to be stopped?—Certainly. I think the present law is sufficient if it were rigidly enforced, and it is being more rigidly enforced now than it was some years ago; and I think the feeling which the grocers have is a very effectual preventive of abuses. I may state that I have mixed very much with my fellow working men, and have occupied positions which gave me more than ordinary facilities for understanding their opinions and feelings. I was a member of the Town Council of Arbroath from 1869 till last year, and in that way I came much in contact with my fellow working men, and I find that their sentiment is decidedly against this sort of legislation. Their feeling is that those restrictive measures are promoted mainly by people—well-meaning people, it is admitted—who from the very necessity of their position cannot be expected to understand working men's questions except in a very imperfect manner.

7061. Well, last night we had a number of working men who offered themselves as witnesses on this subject, and surely they would be qualified to speak about it. In regard to the facilities given by the grocers' shops for the sale of liquor in small quantities, they said they had seen much mischief done by it in families. Now, do you see any evils in Arbroath from the use of spirits?—Certainly.

7062. But from the use of spirits in families, do you see any evils?—I see evils from drinking spirits either in or out of the family in some cases; but I hold there are fewer evils from purchasing it at the grocers' and drinking it at home than there would be if the grocers'

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James Irvine.

DUNDEE. shops were abolished, and if the liquor had to be bought at the publichouse.

James Irvine. 7063. I want to put to you merely what is said on the other side. A lady puts this case:—A working man ran up a bill at the grocer's shop for whisky. There was £3 owing, and if he had required to pay ready money he would not have got it, because his wife took his wages and spent them. When she found he owed £3 at the grocer's, she said, 'If it was not for the children I would never live with you again.' Now, that cannot be an uncommon case,—a man bringing his family to trouble through indulgence in drink. That was done by getting spirits on credit. Was that not a mischief?—I have heard of that, but never knew a case.

7064. You never knew of a man or woman getting credit for spirits at the grocers'?—Yes, I have known a man getting credit. I may state that yesterday, when I knew I was coming here, I put the question in a large shop amongst married men, whether any of them knew anything of that sort, and one of them answered, —'Yes, I did it; I got my new year's bottle filled, but 'it was a genuine transaction,'—and that was the only one.

7065. Well, but you do not say, from your extensive knowledge of working men, that you do not know cases where they got spirits on credit at the grocers' when they could not get it at the publichouse?—I do not know. It is a very unusual thing for working men to get spirits on credit. Permit me to say that a rule preventing grocers from selling whisky, except in bottles of not less than even half a pint, is quite unsuited to people whose incomes do not exceed 25s. or 30s. a week.

7066. It would not suit them to buy a bottle and keep it in the house?—It would not suit them to pay for that quantity many a time when a less quantity only was required. As regards giving spirits as medicine to children, whatever may be said, I have given my own children a small drop of spirits now and then without being at the expense of consulting a doctor, and when I mentioned it to my family doctor afterwards, he said, 'Oh, that's very well.'

7067. For what sort of complaints?—Just such complaints as children will be troubled with during the night.

7068. Such as bowel complaints, do you mean?—Yes.

7069. I can quite understand how it might not suit a man to buy and keep a bottle of spirits when he required only a gill; but why could he not get the smaller quantity at a publichouse?—Publichouse whisky is not so good as grocer's whisky.

7070. We have heard so in a great many cases,—that it is sold too new?—I suppose that is the reason. I know it is not so good.

7071. Apart from the grocers' question, you think it would be a good thing if no unwholesome whisky were allowed to be sold?—Certainly.

7072. But except for the difference in the quality of the whisky, there would be nothing to prevent a working man from getting a small quantity at a publichouse?—Yes, there is another objection. I would not mind going to a publichouse myself, but I would rather not send any of my family there. I would send them without scruple to the grocer's, where I would rather go to the publichouse myself.

7073. Why is that so?—Because at the publichouse bar they have the chance of hearing something that is objectionable. They have no chance of hearing that in a grocer's shop.

7074. Well, in England it is a universal practice almost for people of all classes to drink beer with their dinner. That beer is generally got at the publichouse, and it is the practice to have a separate door—what is called the bottle and jug entrance—where people go in with their vessels, and do not go to the bar. If that were the case here, there would not be the same objection to going to the publichouse?—Of course that would obviate some of the objections.

7075. I quite understand that you would think it very objectionable for your wife or child to be obliged to

go to the bar of a publichouse, where there were men standing talking, because you wanted a little liquor.—Yes.

7076. Is there anything else you wish to say?—Nothing, except to repeat that, on the general question, I think the sentiment of the class I know best about—the working class—is, that things are pretty well as they are.

265. JAMES YEAMAN, Esq., M.P. for Dundee, examined.

7077. *The Chairman.*—What is your opinion on the question before us?—I have had a great many years' experience with regard to the grocers' licences,—about 30 years, I suppose, during a great part of which time I was a licensing magistrate,—and I found the licensed grocers a very respectable class of people. Though they do infringe the law at times, and are brought up and convicted, I think, considering the nature of their business, we must give them credit for the manner in which they carry it on.

7078. We have statements from the present and the late superintendent of police here that they suspect a large number of the licensed grocers of Dundee are not carrying on their business according to law.—Well, I believe there were a good many infringements of the law in the way of allowing drinking in back shops and behind stacks of tea boxes, but I think that of late years the law has been so strictly applied that the grocers got frightened, and are adhering better to the law. Of course it is impossible you can get a conviction in every case, but I think the law is so strictly applied by the burgh magistrates that there is very little drinking on the premises carried on now.

7079. Mr Dewar said yesterday—'I recently requested the officers to furnish me with a note of the parties suspected of allowing drink to be consumed on the premises, and I find there are between 20 and 30 suspected.' Do you disbelieve that?—No; I do not disbelieve what the superintendent of police and his officers state, because they have better opportunities of knowledge than I have; but I think they may be wrong in estimating the number.

7080. We have cross-examined other officers of police very closely on similar statements being made—for they nearly all say the same thing—and they say that detection is very difficult, because, first, there is generally a look-out kept; and, secondly, a conviction cannot be obtained unless parties are caught in the very act, and that the presence of liquor in bulk in the shop makes it exceedingly easy for a glass to be tossed off without detection taking place. You would not doubt that?—No; there was a case which came before me on the bench, where a man was seen drinking something out of a tumbler across the counter, and then he handed the tumbler back to the grocer. He was pulled up for allowing liquor to be drunk on the premises; but it was not proved that there had been whisky in the tumbler, though it looked very like it,—but it is possible it may have been water,—and there was no conviction in that case.

7081. So, in the lower parts of the town, there may be a good deal going on in the grocers' shops, though in the respectable shops there is no such thing?—Well, there may be, but I think the law is so strictly enforced now, and we have so many policemen in Dundee, that they are frightened for detection.

7082. Still, you would not question the accuracy of what the police state?—No; I would not go the length of questioning the accuracy of that statement.

7083. *Mr Campbell Swinton.*—Is it some time since you were a licensing magistrate?—I am still a licensing magistrate for the rural district. It is four years since I was a burgh licensing magistrate.

7084. *The Chairman.*—We are assured there is no place where the magistrates are more energetic than they are here, both in licensing proper houses and in punishing those who do wrong.—I think that is so.

7085. But nevertheless they have not put it down?—

It is a most difficult thing to detect. Seeing the strict way in which the magistrates administer the law, however, I had thought there would be very little of it now; and I am aware of this, that there has been a very great improvement since the law came into force prohibiting drinking on the premises of grocers. There was a very great change at that time, and ever since then we have been getting into a better state. The Forbes M'Kenzie Act has done a great deal of good.

7086. *Mr Campbell Swinton.*—Do you think it would have been better if the original idea of the Forbes M'Kenzie Act had been carried out, and the grocers had not been allowed to sell spirits at all?—No, I think not. I agree with those who have given evidence to the effect that the grocer's shop is a very legitimate place at which to get spirits, beer, &c. It is an established system throughout Scotland, and to put it down would cause a very severe change. I may add that, according to my experience and judgment, when we reduced the number of licensed houses below a certain limit, the number of shebeens increased, and there is very great difficulty in detecting shebeens.

7087. But you have put them down pretty well now?—Yes. About 10 years ago we had, I reckoned, some 300 places selling liquor without a licence. We put the law into operation very severely, punished some of the offenders heavily, and banished others altogether from the town.

7088. *The Chairman.*—Were you not aided greatly by the change in the law which made the presumption absolute if drinking utensils were found in the place?—No doubt that helped greatly to give effect to the law.

7089. But in regard to the grocers' shops, the presumption is all the other way. Unless liquor is seen to be drunk there is no proof?—No proof, because they have the utensils for the purpose of their trade.

7090. Why must they have drinking utensils for the purpose of their trade?—For measuring the liquor.

7091. Then you think the law ought to be undisturbed in that respect, and that they should be allowed to have open utensils in the shops for the sale of spirits?—I do not see any harm in it.

7092. You know it is not the law of England?—I know it is not.

7093. But you do not see any harm in their having utensils in the shop?—No, I do not see how they could carry on the trade as it at present exists without that. A person comes in for a gill or half a gill of spirits, and it must be measured in those utensils.

7094. Then, though you recognise that the circumstances of the trade give great facilities for evasion, you would not put any restriction on those facilities?—I think the law works well enough now by the strict application of it by the magistrates.

7095. How does the law work well if there are a large number of houses in which the police have reason to believe drinking goes on, though it is impossible to prove it because of the facilities given by the conditions of the trade?—Well, I quite agree with what the Provost said the other day in regard to there being only one door to the premises fronting a public street, and preventing there being any corners of the shop into which people can go and drink without being seen from the outside. I think the more open shops you have the better.

7096. But supposing it is the practice where there is drinking carried on in the shop to put somebody at the door to see if the policeman is in the way, from the measures being on the counter and the tap at hand, you may have a dozen drams tossed off in a moment without anybody being the wiser. Do you think that is a satisfactory state of things?—Well, if you can adopt some more satisfactory state of things whereby you can detect infringements of the law, I have not the least objection to it.

7097. *Mr Campbell Swinton.*—Would it not be an improvement that nothing but closed bottles should be allowed to be kept in the shop?—I think there is no harm in that. It might be an improvement. It might be a hardship to many persons of small means, who want a glass or half a glass for certain purposes. It would certainly be very convenient for grocers to have it in small bottles, such as a pint or half a pint, but that is too much sometimes for the circumstances of the working classes.

7098. Suppose the bottles were as small as a gill, there would be no harm in that,—and the cask not to be kept in the shop at all?—Yes, if it were kept in bottles corked and ready to be handed over the counter. But as some of the witnesses have stated, there is considerable expense in connection with those bottles, and the shopkeeper often does not get them back again. They would have to charge the cost of the small bottles along with the spirits.

7099. Do you believe that there would be much expense in putting a seal on the bottles? The bottles must exist anyhow?—Quite so.

7100. Do you believe it would be a great expense to bottle up the quantity required?—I do not think it would, and it would be very convenient for the grocer or his man behind the counter to hand over a bottle and get the money for it. I think there would be no harm in confining the sale to small bottles.

7101. *The Chairman.*—Do you think it a desirable thing that the sale of drams, meaning thereby half gills or gills, should go on side by side with the trade in provisions?—I do not think it is much abused. I saw it stated yesterday by Mr Currie, the clerk to the justice of peace court, and was surprised to see it, that out of 10 small debt cases of pass-books, spirits had been entered in 8. I was surprised at that, for I have often sat in the justice of peace court, and I recollect only one case. In that case a person stated it was spirits, and I thought that was stated for the purpose of getting clear of the account altogether. But with regard to that matter, anything less than a quart is not recoverable before the court.

7102. No; and in consequence of that such items are always struck out by the sheriff when they come up?—Yes.

7103. You do not think there is anything on general grounds undesirable in the sale of small quantities of spirits being side by side with the sale of provisions?—No; on general grounds, I do not think there is any objection to it; but if you could make such changes in the existing law as would enable the officers to make detections more easily, I would quite approve of that.

7104. Well, I would like to take the other side of the question. Take the class of business where there is no suspicion, or very little suspicion, of anything not quite regular—the family grocery trade. It has been put to us by several witnesses that it is unfair that one man should get a licence and not another—that it is a great convenience to the customer to be able to get his groceries and liquors at the same shop, and therefore it is a very great advantage to a grocery business to have the licence. Now, this is urged upon us by the unlicensed grocer, who says it is hard that one man should get the licence and that another should be refused it. Do you think that is satisfactory?—I think it is very hard lines for a young man who has served a regular apprenticeship to the licensed grocery business when he applies for a licence and is refused. He can open his grocery shop, but he has to compete with his neighbour, who makes a large profit from the sale of spirits. It is a very hard case indeed. But, on the other hand, you cannot give every grocer a licence, because there would be too many of them. You cannot give it even to every respectable man, though he has a good house. No doubt there is a difficulty in that.

7105. But still, do you think that is a state of things which ought to remain unaltered—that, in fact, it should be made rather a close trade, or heavily weighted in favour of a certain number who are selected for the licence?—I think there would be no harm in weighting the licensed grocer in some way or other, so as to balance the one against the other, without giving every man a licence.

7106. Can you think of any way in which it might be balanced?—No, unless you increase the licence duty for the house.

7107. But would it be possible to make the licence duty at all equal to the extra profit which the licensed grocer makes over the unlicensed?—I should quite think so. The profits of the one business could easily be ascertained as well as the profits of the other.

7108. And the licensed grocer should be made to

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*James
Yeoman.*
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pay something extra?—According to rental, I should say.

7109. He might be made to pay something equivalent to the advantage?—Yes, quite so.

7110. But at the same time leaving him a profit?—Yes. For instance a man paying a rental of £100 or £150 might pay say £30 or £50 for his licence, and so on, according to a graduated scale proportioned to the rental of the house. With regard to low-rented houses, and houses in bad localities, I think the magistrates are taking very great care to have respectable men and good premises.

7111. You would not allow a licence to be held for a low-rented house?—No, not a very low-rented house. Of course that would require to be regulated according to the towns and the population, because in small towns the rentals are not so large.

7112. Would you think that in Dundee a £15 house should not be licensed?—Well, I think that is a very low-rented house for a licence in any part of the town.

7113. *Mr Campbell Swinton.*—Has it ever occurred to you how it would do to allow any grocer who wants it to have a licence to sell wine, ale, and beer, and none of them to sell spirits?—There are licences of that kind now; but there is a very strong temptation where spirits are wanted and where the craving exists to infringe the law. If they have the beer and wine licence they might sell whisky also. But the magistrates have power to give such licences.

7114. I am supposing that they should give such a licence, and give none else?—Well, I am afraid there would be a very great temptation to infringe the law.

7115. But that would be an infringement very easily found out, for it might be made illegal for a man to have any spirits in his shop at all?—I think it would be too great a change, and it would send all the spirit trade to the publichouses, which would be very much objected to by many.

7116. Not all; some of it would go to the spirit dealer?—But that is the same as the publichouse.

7117. No; there are very respectable spirit-dealers who do not keep a publichouse?—There are.

7118. I suppose you have wine merchants in Dundee who sell spirits?—Yes, and where people do not drink on the premises. I suppose there is nothing to hinder them drinking on the premises when they are wholesale men.

7119. They must have a publichouse licence?—Yes; they get a publichouse licence from the magistrates. I have only further to say that I agree with the statistics given in yesterday by the provost.

7120. *The Chairman.*—I am requested to ask you this question, as a reason against grocers being forbidden to keep casks on tap in the shop, are there also different qualities of liquors which would render the keeping of casks in the cellar a great inconvenience?—I suppose they sell different qualities of liquor, principally by dilution with water, I should think.

7121. *Mr Campbell Swinton.*—Would there be any difficulty in a man keeping specimen bottles in his shop containing all the different liquors he had?—None, but they are not allowed to sample them.

7122. If a man wanted to sample them, he could take them home?—Quite so.

main all night in those houses, and perhaps on till the following day, and their wives and families were left in misery all the while, whereas now it is impossible for a man to remain after the hour when the house must close. I regard it, therefore, as a most beneficial restriction, and one that has produced the best results.

7128. Our business, as you are probably aware, is not with the law as regards publichouses and hotels, but as regards grocers. By the Act of 1853, the grocers were no longer allowed to sell liquor to be consumed on the premises, and by the Act of 1862, they were not allowed to sell liquor outside the publichouse hours. That, I suppose, tended to diminish the number of so-called publichouses in the place?—There are no grocers' licences in my parish. The reason why I come to be here is, that Lord Kinnaird told me he had requested you to cite me, and I came accordingly, as I suppose, to corroborate Lord Kinnaird's evidence, which I have great pleasure in doing, so far as I have been able to see it. In regard to tolls, may I just be allowed to say, that the alteration of the law as regards them has been of the greatest benefit, because formerly serious accidents very often occurred from toll-houses being licensed for the consumption of spirits. In regard to the Forbes M'Kenzie Act, in reference to which you have interrogated me, I have really answered your question. I should like further to say, that the suppression of the publichouses has led, to a very great extent, to the suppression of drunkenness. In my parish, when I went there, there was a house at the southern extremity, one within a gunshot of the northern extremity, and one at the centre of the parish. Lord Kinnaird has suppressed two of those houses and several out-lying ones besides; and in the district, comprising about forty square miles, there is only one licensed house, the inn at Inchtute, which is licensed for wine and ale only. Having stated that, I would only add that the idea of the population of the country being very much given to drunkenness is, I think, a mistake. The ploughmen are a temperate class, and it is only on rare occasions that they do indulge.

7129. You say that in Inchtute you have no grocer at present licensed to sell spirits, and only one house to sell ale and wines?—Yes; and that house is the village inn.

7130. You have no licensed grocer?—No.

7131. And you consider that the possession by a licensed grocer in your village of the right to sell spirits to be consumed on the premises would have an injurious effect?—Yes; I think it would have that effect decidedly.

7132. Are the legitimate or customary wants of your parish sufficiently met by the accommodation now provided?—I think so, because it is so easy to go to Dundee by train, and obtain anything that is requisite.

7133. But the point put to us by many witnesses in favour of the present law is, that working men have often legitimate occasion for supplies of spirits. One, a journeyman shoemaker, told us that he has had illness in his house, and had occasion to get spirits in a hurry. Do you not think there is anything in that?—Well, I think that would very easily be met by applying to some of the Christian neighbours in a case of that kind.

7134. You think that the cases where there is a sudden need of spirits are rare. Suppose a woman in childbed required an active stimulant, it would not always happen that there was a charitable person close by who was ready to give it. I am putting to you the grounds that have been stated by witness after witness in favour of the grocer's licence?—No doubt it would be a hardship. I should answer that question by saying that I have never known any case in which the hardship occurred. I know my people pretty well, and in cases of sickness or distress any emergency has been met, so far as I have heard.

7135. *Sheriff Crichton.*—What we wish to know is whether any inconvenience has arisen in your district through there being no licensed grocer?—Not that I know of.

7136. *Mr Campbell Swinton.*—Are there any grocers in your district who sell tea and sugar?—Yes.

7137. *The Chairman.*—Do the working class population in your parish procure their groceries in the place?—Yes.

*Rev. Dr
Honey.*
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266. Rev. Dr. HONEY, Inchtute, examined.

7123. *The Chairman.*—You are minister of the parish of Inchtute?—Yes.

7124. How long have you been there?—For 40 years.

7125. You are able to speak then to the change in the moral condition of the place since the restriction of hours and so forth by past legislation?—Yes.

7126. Has the limitation of hours had a beneficial effect?—Most certainly it has.

7127. Is that in the public aspect of the place, or in the habits of the people generally?—I should say in regard to the place and in regard to the public generally. Formerly when there was no restriction, those who were in the habit of drinking were enabled to re-

7138. And a man always makes a living in that way—because some people contend that it will not pay a grocer to keep his shop open unless he can sell liquor too? Well, the grocers in my parish have always had some other calling. The head of the house has usually been a tradesman, or employed in some other business, and his groceries have been dispensed by his people in the house.

7139. And you should consider it an evil, in a moral point of view, if the grocer there had the right to sell spirits even in half-gills, and supposing the liquor to be taken away before it was drunk?—Most certainly.

7140. Do you think it would generate drinking habits, which at present you are free from?—I think it would have a tendency in that way.

7141. *Mr Campbell Swinton*.—And you never heard your parishioners complain that they had no opportunity of getting spirits at their grocers or elsewhere?—Never.

7142. Does the population of your parish consist chiefly of agricultural labourers? You have no manufacturing in your parish?—No. The population are chiefly agriculturists.

7143. And artisans?—Yes; tradesmen, such as masons, carpenters, and railway labourers.

7144. *Sheriff Crichton*.—Have you any idea as to the extent of the population of your parish?—Between 600 and 700.

7145. And the district to which you have alluded includes how many, do you think?—About 1600 or 1800. The district comprises three parishes.

7146. *Mr Campbell Swinton*.—And for those 1600 or 1800 there is no such thing as a grocer licensed to sell spirits?—No. One of the parishes extends close to Coupar-Angus, so the people there do not require to go very far to obtain anything of the kind.

7147. I suppose amongst such people as your parishioners there is no such thing as the use of spirits as an ordinary article of diet?—No, I think not.

7148. *The Chairman*.—But there is still some drunkenness?—Yes, I am sorry to say there is.

7149. Do you see the men drunk about the parish sometimes?—Yes.

7150. Then they must have gone elsewhere for the liquor?—I fancy so.

7151. *Mr Campbell Swinton*.—You have no suspicion that there is anything like shebeening going on in the district?—None, so far as I know.

7152. *The Chairman*.—At all events, the difficulty thrown in the way of getting liquor, by the suppression of the publichouses and the absence of the grocers' licence, has made a marked improvement in the state of the parish in that respect?—Yes. The want of facilities for obtaining drink I think has reduced drunkenness to a very great extent. I understand there were never any grocers' licences in the district.

267. Mr PETER M'INTYRE, 17 Thomson Street, Dundee, examined.

7153. *The Chairman*.—You were formerly in business as a licensed grocer?—Yes.

7154.—What have you to say on this matter?—From my experience of the licensed grocery trade, I have found that many families preferred to get their groceries, wine, and spirits from one shop. If the trades were separated, I do not think it would be the means of lessening intemperance. As the licences are presently granted, a lady would not certainly go to a publichouse to order wine, spirits, or beer, for perhaps she would meet at the bar or counter men or women drinking; or, if she sent her servant maid, it is a very questionable place to send a young woman regularly to. Not that I mean anything offensive to the public-house keeper, but the parties that are drinking there. In regard to the respectable working class, few indeed of them keep spirits in the house; they seldom send for more than for their immediate requirements, such as a friend calling upon them they may require a gill or two of spirits, or require it for themselves at other times. And it is the custom of both classes to prefer

‘sending to the grocer in preference to the publican. I have also, in my own experience, found that if teetotallers were ordered medicinally to take wine, brandy, or whisky, they did not go to the publichouse, but to a grocer. Then, to limit grocers to a pint or quart bottle would be an injury to the working classes, because it would be the means so far of compelling them to buy a larger quantity than they wanted, or compel them to go to the publican. I do consider it would not forward the cause of temperance to purchase more at a time than what was required. My strong impression for improvement is, shortening the hours from 8 to 8 for licensed grocers, perhaps 9 on Saturday, but certainly not later; I don't think but even on Saturday it might be made 8 o'clock. I have always held the opinion, since the Forbes M'Kenzie Act passed, that it was an omission in said Act that licensed grocers were not under the same inspection as publicans. If such had been the case, those that were not conducting their business in direct conformity to the law could have been easily convicted, and then it would have saved a large amount of accusation brought against the whole trade as of the secret violations of the Act, and also take away part of the complaints that many of the superintendents of police in Scotland complain on. In regard to pass-books, grocers making false entries, during many years shopman in Edinburgh and Dundee, I never saw anything entered but the exact goods got; and during thirty-seven years I was a licensed grocer on my own account, I was only once asked to do such a thing.’

7155. *The Chairman*.—In what part of Dundee did you carry on business?—In the Nethergate.

7156. What kind of a locality is that considered?—We consider it about the best.

7157. *Mr Campbell Swinton*.—What rent did you pay?—£70.

268. Mr PETER H. MILLER, Licensed Grocer, Broughty Ferry,
269. Mr J. F. WHYTE, Licensed Grocer, Tayport,

examined. *Peter H. Miller;*
J. F. Whyte.

7158. *The Chairman*.—Have you any statement to make to us, Mr Miller?—*Mr Miller*.—I have no general statement. I did not come here with the intention of making a statement, but only to answer such questions as might be put.

7159. We have had a great deal of evidence from the trade, and I think their case has been most clearly put forward. I would, therefore, rather ask you to what points you would address yourself?—Personally, and as representing the Broughty Ferry trade in general, I object to the separation of the grocery and spirit trades.

7160. You object to that because you find the union of the trades profitable?—That is one reason, but I would like to say more on the subject. The licensed grocers at the present time exist by virtue of the law, and I hold it would be a political wrong for them to be deprived of their licence.

7161. It would be a political wrong to deprive those of the licence who at present hold it under a settled law?—Yes. The law was brought into operation by Parliament for the convenience of the public; hence it follows that it would be unjust to alter it against the wishes of those interested, more especially when it would be prejudicial to their interests.

7162. You may fairly assume that Parliament would never strip a person of a legitimate trade, even for the public good, without guarding his interests?—That is the principal matter.

7163. *Mr Campbell Swinton*.—You do not maintain that it is right for the grocers to hold a licence to all generations. It is the existing men whose rights you are standing up for. You do not mean that for all time to come it is a right which the grocer must possess?—No, I would not say it was a right for those who do not hold licences at present that the law should not be altered. I think no good grounds have been shown

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which necessitates the alteration of the present law to any extent; and if the Forbes M'Kenzie Act was judiciously and carefully enforced, the irregularities of which we have heard so much would soon be amongst the things that were.

7164. *The Chairman*.—Before 1853 the grocers were allowed to sell for consumption on the premises, but from that time they were not?—Yes.

7165. So that was a change made in the law?—Yes, but the majority of the trade, I believe, acceded to that, and even wished it. A great deal has been said to-day about putting casks out of shops and away down in cellars. Now the magistrates at the present time are insisting that the area of all shops should be exposed to public view and police surveillance. To put those casks into the cellar would be unworkable so far as the licensed grocer is concerned. The great majority of us are quite willing that the public and police should have full scope to observe what is going on in the shop, but we say it would be unworkable for the casks to be put down into the cellars.

7166. Are the licensed grocers willing that they should not be allowed to put up sugar trophies and fruits and what not in their windows, so that people should be able to see through?—The vast majority of the licensed grocers are willing to give the public and the police every opportunity of seeing the whole area of their business. I think that no one should be allowed to build up anything to prevent the public view.

7167. Do you think that a policeman should be able to look in and say that the tea or sugar, or whatever it is in the window, prevented his seeing in, and you must take it down?—I do not see any great objection to that. Of course he has the door open, and when that is open he can get a view over the whole area.

7168. But supposing somebody stands at the door to see if the policeman is coming?—That may be the case, but I never knew it in my experience, and my experience has been a pretty long one.

7169. I do not believe you thought of such a thing yourself, and in fact the people who do such things don't come here?—I may state further that I was nearly two years a commercial traveller, and it was my duty then to go over a considerable area of ground and into a very considerable number of shops. During that time I never saw such a thing take place as a sentinel being put at the door to watch whether the policeman was near or approaching.

7170. *Mr Campbell Swinton*.—Why do you think that the cask suggestion is unworkable?—For instance, we do not know what orders will be placed in our hands in the course of a day. It occasionally happens that there is only one person in the shop. Sometimes our servants are down stairs bottling, and it would be very inconvenient for us to have to run to the cellar where the casks might be stowed to get the quantity requisite for the time. Moreover, there are so many different kinds of spirits that there would not be accommodation enough unless the cellar was very large, and there are a considerable number of licensed shops which have not cellars.

7171. *The Chairman*.—How many kinds of spirits are you in the habit of selling?—Personally, I believe I have a greater variety than others, for I have now represented Gilbey & Co. for a considerable time, and I keep a general assortment of their whiskies, as well as whiskies from distilleries where I purchase spirits myself, and keep them in bond for maturing.

7172. How many kinds of spirits have you got in your shop on draught?—About a dozen kinds.

7173. Are those in constant demand?—In constant demand.

7174. Then, if they are in constant demand, what is to prevent you bottling off a certain quantity to the extent of your demand, and keeping it in the shop?—I would not object to bottling what is requisite, but at the same time, if we were to have a dozen kinds of spirits put into different sizes of bottles, we would not get room in an ordinary shop to contain them. Moreover, spirits are also sold in jars, and it would be unworkable to have to go to the cellar to fill the jars, especially when there is only one person in the shop.

7175. Do you mean to say that it would be impossible

for your shop to contain the number of bottles of different kinds of spirits that you would expect to sell in a day or two?—It would not be impossible for the shop to contain them, provided there was nothing else in the shop, but at the same time we hold large assortments of goods, and with those goods there would not be facilities.

7176. In addition to the quantity of goods there would not be room for you to keep such a stock of spirits as you would expect to sell in a single day?—Yes, there would be, but it would be quite unworkable for us to fill so many bottles every day.

7177. *Mr Campbell Swinton*.—Are you adverting to the fact that the twelve casks in your shop would be all removed out of it, and the space those casks took up would afford room for a great quantity of bottles?—But we do not have cellaring accommodation to contain so many casks.

7178. *The Chairman*.—If the law required that, after a certain time, giving you fair notice, you would make arrangements on your premises, would you not?—If the law compelled us, we would do the best we could, but at the same time we consider it would not give us ordinary facilities for carrying on the business; and to tie us up with further restrictions, as indicated in the question, would make us exceedingly uncomfortable, because however desirous we might be to respect our certificates, it would almost be impossible to observe them to the letter, especially when a pressure of business was going on.

7179. It would not be a physical impossibility?—It would not.

7180. And the possession of the licence is an advantage to you in trade?—I admit it is.

7181. Then it is worth taking a little trouble to keep it?—Yes, I admit that. As regards spirits in bond, it is generally understood by the trade that they should be retained in bond for a couple of years. That adds somewhat to the expense, but at the same time, as it gives a superior article to the consumer, we are quite agreeable to a provision that no spirits should be sold before being two years old. I also think it would be a very suitable thing to license only parties who have been regularly bred to the trade—who have served a four years' apprenticeship to the grocery, wine, and spirit trade.

7182. It would be an advantage to the trade?—It would be an advantage to the public also, because we find, generally speaking, that those who have been brought up to the trade carry on the business in a more proper way than those not bred to the trade. They have better business habits about them.

7183. Then the public resort to those who have been bred to the trade?—Yes.

7184. And the thing cures itself?—Yes, but looking to the police point of view it would be better.

7185. Keeping to the one view at present, you say that people bred to the trade carry on the business in a better way?—Just so.

7186. And they get better custom in consequence?—Yes.

7187. Then why should Parliament interfere to say that nobody should be a grocer unless he has been bred to the trade any more than in the case of any other business?—It has been our general experience that parties who have been bred to the trade carry it on better than those who have not; and, moreover, it is not our trade alone that is hedged about with restrictions. The legislature disallows any one from practising the medical profession unless he has passed through a curriculum of study and obtained a diploma. A recent Act has also been passed disallowing chemists' assistants from beginning business unless they pass examination; and the Board of Trade precludes seamen from becoming masters of vessels unless they are satisfied as to their education and capacity. Therefore, I hold that a regular apprenticeship should be served before a person is entrusted with a licence; for it does seem to me to be out of place for parties holding licences who do not know whether the spirits they are selling were made yesterday or three years ago, or who could not tell whether a bottle of port wine is matured or only a vintage of two or three years.

7188. *Mr Campbell Swinton*.—I suppose a draper

who has been bred to the trade makes a better draper than a man who has not?—Yes.

7189. But you would not have Parliament say that nobody should be a draper unless he has been bred to the trade?—No.

7190. Then why do you say that Parliament should interfere with regard to grocers?—Because this trade has been hedged about with restrictions for a long time.

7191. *The Chairman*.—Surely restriction is very much in your favour already. You have the licence to sell liquor and your neighbour is not allowed to sell it. Why should you have a fresh restriction that he is not to go into the business at all?—What I wish to bring out is this that there are parties who hold and have held licences who have not been regularly brought up to the trade, and it generally has happened that they have been the parties who have broken the law most, and I would like to see the trade confined to what I would call better men.

7192. *Mr Campbell Swinton*.—Why do you think they break the law most?—Well, that is generally understood.

7193. What temptation have they to break the law more than anybody else?—They do not know so much about the business. Moreover, the legitimate grocer sets himself to carry on a legitimate grocery business alongside his spirit trade, while other and smaller shops that have the licence do not; and the majority of the trade know well a healthy trade cannot be carried on unless the provisions of the certificate, so far as consumption on the premises is concerned, are pretty well observed; and when irregularities are encouraged, or even allowed, the grocery department is neglected. It is in reference to shops of this class that complaints are made; and I think if the matter were investigated, it would be found that it is generally parties who have not been bred to the trade who resort to such practices, hence my reasons for thinking that there would be fewer complaints if only parties held licences who had received a thorough training, and knew the business in all its departments.

7194. *The Chairman*.—I should like to put this to you. At present a man need not sell groceries at all to have a grocer's licence. A man gets the licence to sell wine, ale, and spirits not to be drunk on the premises?—I would have every one who is a licensed grocer compelled to have a considerable part of his trade in groceries.

7195. But it is not called a grocer's licence; it is called a licence to sell liquors not to be consumed on the premises, and you say that no man should have such a licence unless he sells groceries along with it?—Just so.

7196. *Mr Campbell Swinton*.—Then there would be no such trade as a wine and spirit merchant who did not sell groceries?—The wine and spirit merchants in this district, I think, usually hold publichouse licences.

7197. No, a wine and spirit merchant is a different thing from a publican?—It was my impression that they always held a publichouse licence.

7198. But I would like to know why you would insist upon a man selling groceries as well as liquor. What advantage does it give to the public?—The public receives better quality from the grocer, and the grocer who has served his apprenticeship does his business in a more legitimate way.

7199. That is with regard to the question of apprenticeship; but you have added that you would compel every man to sell groceries who has a licence?—That is my opinion.

7200. What good does that do to anybody? It may be profitable to the man; but what good does it do to the public?—My reason is that the police have complained against those parties who carry on a very small grocery trade, and make it the principal part of their business to sell spirits.

7201. *The Chairman*.—That would only show it would not be a very small business, because there are large shops in the main streets here. I think we have evidence of seven where they sell wine, spirits, and so on, upon a grocer's licence, and do not sell any groceries. Those are large businesses, and there are no complaints against them?—I just give the information as I have received it—that there are some of those kinds. The next matter that I would mention is in regard to police surveillance. We do not object to the surveillance being greater than it is at present, if the authorities wish it.

If the authorities do not consider they are armed with sufficient power to put down contravention of certificate, we have no objection to them being armed with more.

7202. Do you say that your contention is that the licensed grocers generally do not break the law?—I say there is a very great improvement in that way of late years, in consequence of the action of the magistrates and of the interests that are at stake if they do break it.

7203. Do you say that, as a rule, the licensed grocers do not sell liquor to be consumed on the premises?—As a rule they do not.

7204. You do not know any who do?—I am aware it is done; but it has now been reduced to a very narrow compass.

7205. Then you do know some who do it now?—I do not personally know any, but I know they get the word of it.

7206. But you say you do not know any licensed grocer at this moment who sells liquor that is consumed on his premises?—I do not at the moment. As matter of course, I keep to my own business, and my business does not naturally call me out to see what is going on. I make that statement from reports I have heard from other parties going about.

7207. *Mr Campbell Swinton*.—When you were a traveller, did you ever meet with cases of breach of the law?—Yes; it was done. Consumption on the premises went on to some extent at that time; but certainly it is very much improved, and is reduced now to a very narrow compass.

7208. *The Chairman*.—Do you know any licensed grocer who sells liquor before 8 in the morning?—I do not.

7209. You think it would be right that his shop, if he holds a licence, should not be open before 8?—Yes; that is what I hold, and the hours I would suggest are from 8 to 8, and to 9 o'clock or so on Saturday. There is another matter which has been brought up by some of the witnesses and by the Commissioners,—viz., about the unlicensed grocers. What I have to say in reference to that is, that I never yet knew of a licensed grocer having any objection to an unlicensed one receiving a licence. On the question of supplying small quantities of liquor to working men and those who may require it at a time, we as a body object to that being prohibited. We have no objection that the spirits should be sold in corked bottles; but we object to any minimum quantity being fixed.

7210. Do you yourself do business in very small quantities?—A portion of my business is in small quantities.

7211. How small?—Gills, half-gills, and two gills.

7212. Do you do a large business in that way?—A considerable business.

7213. Are they working-men who come for those small quantities?—Yes; generally people who have a weekly or fortnightly income.

7214. *Mr Campbell Swinton*.—And always in a bottle?—Yes; I never knew of spirits being sold except in a bottle.

7215. Do you mean a bottle corked?—Yes.

7216. *Sheriff Crichton*.—When you sell half a gill, does the person come with a bottle?—Yes; and we put it into the bottle for them out of the cask.

7217. *Mr Campbell Swinton*.—Does he never bring a bottle, and you give another similar one which you have ready corked?—No. The usual practice is to bring a bottle, into which they get the required quantity measured.

7218. *Sheriff Crichton*.—Are you ever requested to sell spirits to be consumed on the premises?—When I began business first I was sometimes asked; but for some years past I have rarely been asked to do so.

7219. It has not happened for some time?—It has not happened for some time.

7220. Are you ever asked to sell before the hour in the morning?—My shop is never open till 8 o'clock in the morning.

7221. *The Chairman*.—Now, Mr Whyte, do you generally concur in the statements made by Mr Miller?—*Mr Whyte*.—Yes.

7222. Is there anything you would like to add to it?—Not particularly. I concur generally in his statement, except about no one having a right to hold a licence but the man who is bred to the trade. I think that would be a very great hardship. There are many respectable

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Peter H.
Miller;
J. F. Whyte;

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people in the trade who have not been bred to it, but who are able to conduct it perfectly well.

Peter H.
Miller;
J. F. Whyte.

7223. Do you give credit by means of pass-books?—*Mr Miller*.—Yes. In very rare cases, and only where I know it will not be abused.

7224. You give it where you know the money will be paid?—No, not always. I would not give it to anybody even though I knew it would be paid, if I thought they would do themselves injury.

7225. What do you mean by abusing it?—For instance, if I saw a man coming in who was a good payer, but who had been drinking for perhaps twelve hours, or seemed to be in a debauched state, I would refuse it to him. I never knew of groceries being put down in pass-books when drink had been got.

7226. *Mr Campbell Swinton*.—Do you give credit at all?—Yes.

7227. You keep regular books?—Yes.

7228. *The Chairman*.—There are probably a thousand grocers in Scotland who never did it, but there are some who do.—That may be.

7229. A person has handed to me a paper stating that he has obtained drink and paid for it and consumed it in your premises, and he signs his name.—That may have been done, but not for a considerable time.

7230. *Mr Campbell Swinton*.—Then you were speaking from imperfect recollection when you told us you did not know of that being done?—I said I do not know of its being done now, but I knew of its having been done formerly.

David
Thomson.

DAVID THOMSON, (235), recalled.

7231. *The Chairman*.—You were examined yesterday in regard to drinking at Broughty Ferry?—Yes.

7232. You say now that you have obtained drink, paid for it, and consumed it, in the premises of Mr Miller. Is that the case?—I adhere to the statement I made to-day that I got it, paid for it, and consumed it, in almost every licensed grocer's shop in Broughty Ferry.

7233. Including Mr Miller's?—Including Mr Miller's.

7234. When?—About six years ago.

James
Stewart;

Peter
M'Nidder.

270. Mr JAMES STEWART, Paid Secretary of the East of Scotland Mill and Factory Workers' Association;
271. Mr PETER M'NIDDER, Manager of Messrs Gourlay's ship-building yard, } examined.

7235. *The Chairman*.—Mr Stewart, you were formerly a factory worker?—*Mr Stewart*.—Yes.

7236. How many members are there in the association of which you are now secretary?—Taking Dundee and the different districts, from 12,000 to 14,000.

7237. The members are chiefly in this county?—Entirely in this county.

7238. How far are you able to express the sentiments of your constituents on the subject of the present inquiry?—My duties necessarily lead me to be a good deal about the houses of working men and working women, and I hear them express their ideas on such matters as this, and also from my general observation.

7239. General observation, that is to say, of the habits of your constituents?—Quite so, and of what I consider the effect of the working of the grocer's licence on their habits.

7240. Speaking of your own practice, in the first place, are you in the habit of purchasing liquor at the grocer's?—Yes.

7241. In what quantities do you purchase it at a time?—At times half a mutchkin may do my turn. I am not in the habit of keeping whisky in the house regularly. I only purchase it now and again.

7242. You are not in the habit of buying more than that sort of quantity at a time?—Yes, I have often bought a bottle at a time.

7243. But you personally would have no difficulty in

buying a bottle at a time and not sending for more till it was done?—No, it would not incommode me in the least.

7244. When you were an operative what was your practice?—Well, I would be very seriously disinclined to spend 3s. on a bottle of whisky when probably it would not be all required. I thought it far better I should have facilities for getting half a mutchkin or a gill or whatever I required upon all occasions rather than expend a portion of my income which possibly I could not spare. That was my practice.

7245. Your practice was to buy a gill or so when you wanted it?—Just so.

7246. Is that in your opinion the practice of the men belonging to your association,—that they buy in small quantities as they want it?—Most decidedly.

7247. *Mr Campbell Swinton*.—Would it not be as easy to save the money till you could buy a bottle, and then keep it till it was done, when you would have enough money to buy another?—It might be so if one was in the habit of buying it as a luxury to be taken whether circumstances required it or not. But the working man with £1 or 25s. a week has so many roads for his earnings that every penny is of consequence to him, and if his house is properly conducted he will divide his income so that he can purchase all the necessaries he requires.

7248. *The Chairman*.—We quite understand that a working man has not much money to spend. But what is to prevent him, if he wants a gill, going to the public-house for it?—My objection to going to the publichouse for small quantities of liquor is that I consider I get a better article at the licensed grocer's, and, moreover, I would not care about sending my wife to the publichouse for liquor, because she would be brought in contact with things that are not desirable.

7249. In other words, you do not want her to go to the bar?—Quite so.

7250. But if there was a private door to the public-house,—what they call in England a bottle and jug department,—and nobody was there except people going for small quantities of liquor to take home, there would be no harm in that?—I do not know how the arrangement is in England, but I know that in Dundee some places have a bottle and jug entrance, but practically it is the bar, as there is just a slight partition between, and all the conversation at the bar is quite easily heard. If there was a distinct room set apart for that sort of trade, I think it would to a great extent do away with my prejudice against sending women and children to the publichouse for small quantities of liquor.

7251. And there is no particular advantage in getting liquor at the grocer's if you can get the same liquor at any other place. Suppose there was a shop where they sold liquor as at the grocer's, and no drinking bar, it would be as well to get the liquor there?—I do not know that it would, because women would go there with the avowed intention of purchasing liquor, and probably come in contact with other women in the same practice. That would probably lead to companionships which would not be for the good of the younger and less experienced women.

7252. Well, they go to the licensed grocer's, and meet women who go there too.—Yes, but not only to purchase liquor, but to purchase groceries, and it is only as a portion of their errand that they purchase liquor.

7253. *Mr Campbell Swinton*.—If it were supplied in a corked or even sealed bottle, that would make no difference to you if the quantity were small enough?—I do not see that sealing the bottle would be of much use. If it were provided that the liquor should be sold only in a corked bottle, I do not see that sealing would improve that system at all.

7254. *The Chairman*.—Now, Mr M'Nidder, do you concur generally in what Mr Stewart has said?—*Mr M'Nidder*.—Yes.

7255. On the same grounds?—Yes.

7256. How many men are employed in the yard of which you are manager?—From 800 to 1000 hands.

7257. I am told it is your opinion that no rental test could be well imposed?—No, because the value of the property would be no guarantee of the fidelity of the trade, as rental varies very much between the centre and the outlying districts of the town.

7258. If £20 was a large rent and a certain guarantee of the size of the business in one part of the town, it would be a very low rent in another and a central part?—Yes.

7259. But you think it an advantage that the business should be in premises of good size?—Certainly. *Mr Stewart*.—With reference to the credit system and pass-books, my experience is that there is a great deal more liquor given at the publican's on credit than at the grocer's. I have known workmen to have half their wages actually spent in drink before they earned them.

7260. At the publichouse?—Yes. It was generally the first road they took on the Saturday, and sometimes one account would be begun before another was paid.

7261. Is that your experience also, Mr M'Nidder?—*Mr M'Nidder*.—It is, in some departments of the trade I represent.

7262. Would you say it was common?—It is common in one of the departments—the riveters.

7263. They are highly paid workmen?—Yes, and highly wrought too. They earn from 30s. to 35s. and 38s. a week.

7264. They are rather a higher class of workmen, and are trusted in consequence?—They are highly paid, but not more trusted. We find them the loosest set we have to do with. They work four days a week and drink two.

7265. The publican cannot recover from them?—He has to trust to his chance.

7266. How do you account for the publican trusting the riveters and not trusting the shipwrights?—Because the shipwrights do not want trust; they do not drink so much.

7267. *Mr Campbell Swinton*.—Does not the publican run considerable risk by trusting them?—He may.

7268. *The Chairman*.—If they let him in once, he would not trust them again.—Certainly not.

7269. As matter of fact, then, there are men who get credit at the publichouse?—Yes.

7270. *Mr Campbell Swinton*.—Do you know of men complaining that their wives have got liquor unknown to them?—I have never had an instance of that sort brought before me. Men have never complained to us that their wives got drink from the grocer unknown to them.

7271. Do you, Mr Stewart, say the same?—*Mr Stewart*.—Yes, I have heard no complaints of that kind; and I believe the risk is greater on the part of the grocer,—not only does he run the risk of losing the value of the spirits, but the value of the goods put in along with them.

7272. *The Chairman*.—How can he lose that?—I understand that in such cases entries of goods have been struck out by the sheriff, while probably not one-third of the items may have been for drink.

7273. Do you know of any case where an item called goods, and objected to on the ground of its being liquor, was in reality something else than liquor?—Of my own knowledge I cannot say.

7274. Then is it not somewhat rash to say so?—No, because I had it on hearsay I could depend upon.

7275. Did any tradesman ever tell you he had lost money through the sheriff or justice striking out goods on the ground that the debt was for liquor, while in reality it was for goods?—I have heard a grocer's assistant say that in many cases that is done,—that the entry struck out as liquor consisted partly of other things besides liquor.

7276. *Mr Campbell Swinton*.—But partly liquor?—Yes.

7277. Then what interest has the grocer to put down goods instead of putting down tea and sugar?—I do not know what his interest is. I would be in favour of restricting the grocers' hours to from 8 till 8, and possibly 9 on Saturdays, because it is only justice that the grocers' assistants should share the shorter hours which other work-people have got.

7278. *The Chairman*.—Why do you think the grocers should close at 8 while the publichouses keep open till 11, so that if a man wants whisky after 8 o'clock he must go to the publichouse for it?—Purchases of liquor from the grocers are generally taken in with the other messages, and if a man knows that the grocer shuts at a certain hour he will get his whisky in before that hour. For my own part, I am of opinion that even the publichouse hours should be considerably restricted.

7279. But you wish the grocers to be shut at 8

whether the publichouses are open till 11 or not?—Yes, as a step in the right direction.

7280. *Mr Campbell Swinton*.—And you do not think there would be any necessity, for the convenience of the working classes, that the grocers' shops should be kept open later?—I do not think it would be any inconvenience that they should shut at 8 o'clock.

7281. It is a mere habit that working people have got into of buying things late. They could easily buy them sooner if they liked?—Quite so. I should like to make a remark on the evidence given yesterday by Mr Matthew. He says that on a Saturday night, in the Overgate and Scouringburn, every third person is the worse of drink. I say that is an unfounded libel on the working classes.

7282. You have told us generally of the objection the working classes have to send to the publichouse for liquor, and the reason why they prefer the grocer's. Do you think that if the grocer's licence was abolished the habit would become general of going to the publichouse, and the slur attaching to it would disappear?—No. I believe the effect would be to make the men themselves go more to the publichouse, and consume their liquor at the bar, and thereby form companionships which would lead to them becoming habitual drunkards, or persons who indulged to a great extent.

7283. Then your opinion is that if a man wants to take a little it is safer for him to take it at home than to go to the publichouse, because the publichouse tempts him to drink more?—Yes, decidedly. When taken at home it is less liable to be abused, and it is generally taken along with food.

7284. But the ordinary working classes do not, in your experience take liquor with their food?—Not commonly, unless a very weak kind of beer, commonly called 'tuppenny.'

7285. They do not take whisky along with their food?—No, not as a portion of their regular diets.

7286. They do not take whisky daily at all,—the respectable working classes?—No, not unless they are habitual topers.

7287. They only take it on an occasion of festivity, or when a friend visits them?—Yes.

272. *MR FRANCIS PIRIE CARNEGIE,* } examined. *Francis Pirie Carnegie.*
Provision Merchant, Perth,

7288. *The Chairman*.—You are one of the magistrates of Perth?—Yes.

7289. What have you to say on the subject of our inquiry?—I have to say, as regards the licensed grocers, that I think the trade in spirituous liquors at the present time is in as safe hands as it would be though the spirit and provision trades were separated. My experience of that has extended over the past nineteen years. I was myself bred to the business, and for the past fourteen years have more or less done business with licensed grocers throughout a large part of Scotland. I would not like to waste the time of the Commission, but if there is any point on which you have questions to ask I shall be glad to answer them.

7290. You wrote to us a letter, which I quoted to Mr Salmond, a commercial traveller who gave evidence before us at Edinburgh, as to breaches of certificate. I may read what you said: 'I was startled at the statements and statistical accounts he gave of the breaches of certificate, more so knowing that he never visited the number of times he named, unless representing myself. My own opinion with regard to this man's evidence has been fully corroborated to-day by a visit to the only two licensed grocers in Pitlochry, viz, Mr Chas. Gibson and Mr Henry Ferguson, who authorise me to say that, so far as they are concerned, his statement is utterly false.' How long was Mr Salmond in your service?—He entered my service in September 1871, and was dismissed from it in June 1874.

7291. *Sheriff Crichton*.—Why was he dismissed?—I beg to put into your hands evidence which would warrant his dismissal from my employment.

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7292. *Mr Campbell Swinton.*—He was in your service, but does that give you the means of knowing the truth of his statements regarding various parts of Scotland?—I should say it does; and from particular inquiries since I am prepared to state that his statements were nothing short of a gross libel on the trade, and nothing else than a tissue of lies.

7293. *The Chairman.*—Then, when he said that in a certain number of visits to a place he saw so many evasions of the law, are you in a position to say he did not see them?—He could not see them, because there are no licensed grocers there.

7294. Well, he has explained since that some of those cases may have been in publichouses, which of course virtually does away with the case against the grocers, because he could not say, afterwards whether they were in grocers' shops at all. But how do you know he did not see those things in licensed houses of some kind?—I myself for fourteen years past have at stated times visited the same towns, and I can state as a certainty, knowing the gentlemen who hold the licences there, and the short time a visit to those places lasts, it was impossible for him to have seen it.

7295. *Mr Campbell Swinton.*—It is scarcely possible for a man to prove a negative. Though you did not see the things done, that can be no proof that he did not see them done.—I have visited the place for fourteen years. I know what he had to do and the time he had to do it, and I may be permitted to make this statement at least, that I think it was impossible. I have here a list of the calls he made at different places, which will go to show that my statement is correct.

7296. *The Chairman.*—He mentioned 42 places where he made calls.—I have taken a few places where he called. For instance, Pitlochry and Aberfeldy. He made 17 calls there, at Pitlochry and Aberfeldy. Both towns were taken in one day. He was only one day in both places on each of the 17 journeys.

7297. Might he not have called at 28 houses in the course of 17 times?—Yes, certainly.

7298. Because he says that at Aberfeldy he made 28 calls altogether in his whole service of four years, in which 28 calls he saw 5 breaches of certificate, and at Pitlochry he made 43 calls.—To show it is incorrect when he states he made 28 calls in Aberfeldy, there are two grocers there, licensed only for wine and beer. Now, he called on them regularly each journey, which, if correctly stated, would make 34 calls.

7299. It is impossible the Commission can think this evidence of Mr Salmond reliable in respect of those facts, because he was unable to say on cross examination how many of the breaches he spoke to were on the part of licensed grocers at all, so we need not spend much time over it. But when you say that his whole statement is a tissue of lies, that is perhaps going further than your own knowledge. We have the statement you came before us with originally, and you had good reason for parting with him.—Yes.

7300. *Sheriff Crichton.*—I understand you think there should be no alteration of the law in any respect?—Nothing except in regard to shortening the hours, which the trade, I understand, is quite willing to accept, since the Forbes M'Kenzie Act has had a very beneficial effect.

7301. *The Chairman.*—Do you say that, as a commission agent yourself, you never saw any evasions of the law in respect of selling or giving liquor to be consumed on the premises?—I have. I could not give you dates for it, but I have seen it in the shape of treating.

so fully represented that I do not wish to add mere repetition to what has been said already. I may state that in the evidence given yesterday by Sheriff Barclay, as to goods marked down in pass-books being found to be spirits, we utterly deny that, as a trade, we can be charged with anything of that kind. I have no doubt that in the long experience of Sheriff Barclay, and before the Forbes M'Kenzie Act, he may sometimes have seen cases of that kind; but as he does not refer particularly to Perth, I don't think I need say very much about it, except that it would be quite in the power of Parliament to order a return of such cases, because I do not think it should remain as a general charge against the trade.

7303. Well, we have been sent for the very purpose of procuring that information, and a number of witnesses have told us that the thing has come under their observation. Some have told us they have seen several such cases in a single day. We have had at least six pass-books or more put into our hands, or which we have read, and in which we have seen those things marked. What more would you have?—Well, it is utterly unknown to me.

7304. *Mr Campbell Swinton.*—Can you suggest how Parliament would get the information, for there is no record kept?—Then I beg pardon; I thought there was. With reference to keeping spirits in cellars, I do not see that that would at all be a preventive of consumption on the premises, if that is the object of it. For instance, it would be quite possible to draw a bottle, or for the party to adjourn with the shopkeeper to the cellar.

7305. But in that case would it not be possible for a policeman outside the door to see the man disappear and follow him down to the cellar?—I agree with the evidence given in favour of the trade that the opening up of the shop, and generally the size of the shop, would be a far better preventive than anything of that kind. No doubt, if the liquor were confined to the cellar, it would require to be under Excise regulations, or something of that kind.

7306. Why?—Simply because it would be impossible to work it.

7307. We are always told so; but when we ask how it is impossible we never get any answer. We are told it is inconvenient. No doubt it is more trouble; but does it amount to more than that it is more trouble?—It would really not be a preventive of the evil you are endeavouring to arrive at.

7308. That is your opinion; but suppose the legislature thought it would be a preventive?—Well, it would be an interference with the trade, and would not attain the object sought to be attained.

7309. *The Chairman.*—You think it would be not less difficult for a man to sell a glass of whisky over the counter if he had not an open vessel containing whisky in his shops?—No.

7310. It would be no more difficult, if he had nothing but sealed bottles in the shop, for him to sell a glass of whisky over the counter?—No, not any more difficult. I may say I heard the evidence given by a gentleman from Arbroath, and I quite concur with it. With reference to the reason why the trade should be continued as it is, that gentleman's evidence has quite my concurrence. There have been some places where the powers of the Act have not been so strictly put in force as in others, but that is no reason why some means should not be taken to have them put in force in all places. In Perth, I, as a member of the town council, and acting along with the magistrates, have had it brought before us that it was not so strictly enforced as it might be. Our superintendent speaks of having suspicions, and I believe a gentleman who was here to-day stated he had knowledge of consumption on the premises. Well, if that gentleman has the knowledge, why has the superintendent not the knowledge, and why is the Act not put in force? In other words, the present law is sufficient for all purposes, if strictly enforced.

7311. Well, the evidence is that whereas in a shebeen the mere fact of the presence of a glass, or what are called in the Act 'drinking utensils,' would be sufficient,

Daniel
MacKenzie;
Charles
Stewart;
Alexander
Thomson;
George Howat;
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273. Mr DANIEL MACKENZIE,
274. Mr CHARLES STEWART,
275. Mr ALEXANDER THOMSON,
276. Mr GEORGE HOWAT, Licensed
Grocer, Perth,

} examined.

7302. *The Chairman.*—What have you say on this question?—*Mr Mackenzie.*—You have had the trade

in regard to a grocer's shop, the magistrates in most cases will not convict unless persons are seen swallowing the liquor. Therefore, unless there should be a policeman standing at the door, it is impossible?—I do not speak for others; but I really think it would be no great interference were means taken to deter parties from these offences.

7312. What means?—Presumption, as in the case of shebeens, though perhaps not so strong. I quite admit that the law should be altered to the extent of enabling offenders to be convicted. I was not aware till to-day that such conclusive proof was required.

7313. *Mr Campbell Swinton*.—Were you aware the police had not such facilities for entering your shop as they have for entering a publichouse?—No, I was not.

7314. And you would have no objection to that?—None in the world. We in Perth are quite agreeable that the hours should be shortened, as stated by Mr Carnegie, as a step in the right direction. If the present law has been a benefit, the extending of it in the same direction would also be a benefit.

7315. I presume you would have no objection to its being made illegal to sell drink to a child under fourteen, even though that child were only sent as a messenger?—I would not answer that in the affirmative, because it would be very hard to prevent respectable and perhaps superior people sending a messenger of that kind in a case of emergency.

7316. You are aware you are prohibited from giving or selling liquor to a child under a certain age?—Not as a messenger.

7317. And it is only by a very recent decision of the court that a messenger is exempted?—Perhaps before that decision they did not know the law so well. It has been asked here and elsewhere whether the grocers sell better liquor than the publicans. I have made inquiries at H.M. Customs at Perth, and I find that though all the publicans are most respectable people, none of them have any stock in bond. Some of the hotel keepers have wines, but none of the ordinary publicans. The stock in bond is all held by persons having a licence similar to my own.

7318. *The Chairman*.—I suppose some publicans have cellars where they keep whisky for a good while?—It would not be very profitable to keep it after the duty upon it has been paid. Seeing they have none in bond, the presumption is that they must buy it newly made, and you have evidence that newly made spirits, however much diluted, is not good.

7319. There are nine persons in Perth who hold a dealer's licence and are not grocers?—I hold a wholesale licence as they do, and they sell small quantities as I do.

7320. *Mr Campbell Swinton*.—You are a grocer?—Yes.

7321. And keep groceries?—Yes.

7322. *The Chairman*.—Have any of the other gentlemen here anything to say?—*Mr Howat*.—I have nothing to say, except that I concur in what has been said. My trade is chiefly with the poor working classes, and I hold it would be a great inconvenience for my customers to have to buy a large quantity of spirits. A great deal of my trade is in small quantities, sent out in bottles, and it would be a very great hardship, and lead to an increase of drunkenness, if they had to buy large quantities of spirits.

7323. In what way do the working people generally buy from you?—They usually buy, especially on the Saturdays, various quantities up to half a mutchkin, and some go the length of a bottle or half a bottle, depending on their means, I suppose.

7324. Do they generally send their own vessels to take it away?—Yes, bottles.

7325. Are those bottles generally of a size according to the quantity, pints or half pints?—We are not particular. They may bring a bottle of one kind, and I may give them a bottle of another kind.

7326. You furnish bottles sometimes?—Yes.

7327. And allow for them when they are brought back?—Yes.

7328. Would there be any practical inconvenience if you were obliged to keep the bottles filled, and if you filled them from the stock from day to day, according as your usual custom showed you what you might expect to want?—I do not think there would.

7329. *Sheriff Crichton*.—I understand you do keep them ready in the shop at present?—Yes, we have whole and half bottles.

7330. When a person comes with a bottle, don't you just give him a full bottle and take the empty one?—Usually.

7331. That is to say, you don't fill the bottle he brings, but give him a full one?—Unless he wants part of a bottle.

7332. *Mr Campbell Swinton*.—Therefore, you have no practical use for having a cask on tap?—Yes; because I do not keep small bottles filled. I have only a stock of bottles and half bottles. Quantities such as gills and two gills have to be filled out.

7333. But you could keep small bottles?—I admit it could be done.

7334. *The Chairman*.—It would put you about till your men got used to it?—Yes, I consider it would; and I do not consider it would have any practical effect in keeping grocers more free from selling to be consumed on the premises, as is alleged. For my own part, I know nothing of it. In regard to quality, I am of the same opinion as Mr Mackenzie, that, generally speaking, the quality is better at the grocer's than at the publichouse.

7335. Now, Mr Stewart, are you of the same mind as those gentlemen?—*Mr Stewart*.—I listened with great pleasure to the statement made by Mr Peter M'Intyre, and I would subscribe rather to what he has said than to anything I or my friends here have to say.

7336. And what do you say, Mr Thomson?—*Mr Thomson*.—I agree with what Mr Mackenzie and Mr Howat have said. My trade is principally with the working classes, and I think it would be a hardship if I could not sell them small quantities of liquor.

7337. *Mr Campbell Swinton*.—With regard to the men who have the grocers' licence, but do not sell groceries?—They supply publicans with newer whisky.

7338. But if I were to send to one of them, I would get as good as I get from you?—They have as good facilities for doing it, but I question if they do it. They do not hold liquor of the age which the grocers have. They are tempted to sell it newer than the grocers do, owing to the large quantity they sell.

7339. I should have thought that the more they sold the better liquor they could supply?—They are tempted to sell it new.

7340. *The Chairman*.—In what way do you think your working class customers who buy small quantities from you differ from those who go to the publichouse for their whisky? Are they a different class?—Perfectly; they are accustomed to go to the grocers' shop, and never frequent the publichouse. Many of them never enter a publichouse, and still they require a little liquor for household use.

7341. We all understand what a family trade is, and the kind of people who give large orders; but you have a large trade with working people who want a gill or two, or whatever it may be, on a Saturday. Now, can you tell us in what that class differs from those who go to the publichouse?—I would consider they are a better class. They do not go to the publichouse, and do not want to go. They think they meet companions in the publichouse who would induce them to drink more, and they consider they buy a better article cheaper at the grocer's, and take it as they require it at the fireside.

7342. Would you mind telling us what amount of whisky you sell in small quantities on a Saturday evening?—A pretty large quantity.

7343. Will you sell 100 gallons per month in these small quantities?—A great deal more.

7344. I ask you the question in order that we may judge how far this is an extensive business, for it is always more delicate to interfere with a large trade. You say you sell a great deal more than 100 gallons per

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Charles Stewart;
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George Howat.

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George Howat.

month in small quantities, chiefly on Saturday evenings?—I sell something like from 10 to 20 gallons on a Saturday night in small quantities.

7345. *Mr Campbell Swinton*.—When do you close at night?—At eight o'clock.

7346. *The Chairman*.—Have you a large grocery business too?—Yes.

7347. Were you a grocer before you had the licence?—Yes; I was bred to the trade, and have been 25 years in it.

7348. Had you a shop of your own before you had the licence?—No, I had the licence from the commencement.

7349. *Mr Campbell Swinton*.—You have no desire to keep open later than 8?—On Saturdays we keep open till 10.

7350. Do you think there is any necessity for that?—I believe 9 o'clock would suit; but for the working people who come from a distance to the town it might be an inconvenience if the shops were early shut.

Bailie
Peter Reid.

277. Bailie PETER REID, Forfar, examined.

7351. *The Chairman*.—You have had experience in the working of the grocer's licence, in your observation?—Yes, I have had certain impressions.

7352. What is your general idea about it?—The first thing that struck me was the deterioration of the morals of the lower section of the working classes, in my district, which began about the time when the extraordinary reduction of duties was made. At that time I began to notice that working men who had only taken a glass occasionally went with flagons to the grocers' and bought liquor there; and I often saw their wives and children do the same thing. I think that was the great beginning of domestic drinking in families.

7353. When whisky got much cheaper?—Yes.

7354. *Mr Campbell Swinton*.—That is a good while ago?—Yes, but I do not think the habit then acquired has ever been extinguished. Before that a drunken woman was a rare thing in our district.

7355. Do you attribute the continued drinking habits of the population much to the way in which they can buy drink at the publichouse more than at the grocer's?—At that time it was.

7356. At that time the grocers sold liquor just as the publichouses did?—Exactly.

7357. But since 1853, the grocers have sold only for consumption off the premises?—Yes.

7358. Do you think that the restriction against consuming on the premises has had a good effect?—I thought it had to a certain extent, but, still there are a great number who go to the grocers' for spirits under the cover that it gives them, for they are supposed to go for groceries.

7359. The last witness, a licensed grocer, told us that a great many of his customers would not think of going to the publichouse who would go to him for their whisky?—I believe that to be quite true.

7360. But I understand you think there are people who get into bad habits by doing that?—Yes, I do think so.

7361. Do you apply that particularly to women?—It was introduced largely amongst women at that time, and, the habit being once generated, I do not think it is extinguished yet.

7362. *The Chairman*.—I suppose the higher wages of work people now-a-days make up for the higher price of whisky?—They have evidently consumed more—a section of them—as their wages rose.

7363. Should you be in favour of taking away the licence from the grocer?—I think the sale of spirits should be a separate trade. Of course if grocers' licences were taken away, or if not I think it should be much higher, and I believe the effect would be to purge the trade of its worst members. I think also that the quality of the liquor should be periodically inspected, and the hours of sale shortened to 10 p.m. I think such alterations would greatly modify existing abuses.

7364. I suppose you would consider the existing interests of people having the licence now?—Of course.

7365. As a magistrate, have you seen many cases that lead you to that opinion?—Nine out of ten cases that come before me have their origin in drink.

7366. But you cannot, of course, put that all down to the grocers?—No, I cannot say where the liquor was got.

7367. Generally speaking, I suppose, you consider that if there are more facilities given for drinking, there is more drunkenness?—Most undoubtedly. I may state it is my impression that most of the Sabbath drinking amongst us arises from drink supplied by publicans.

7368. *Mr Campbell Swinton*.—Not from grocers?—No, I think there is very little of that amongst them now, especially on the Sunday.

7369. *The Chairman*.—The grocers are better behaved than they were?—I think so, decidedly.

7370. *Mr Campbell Swinton*.—Do you know any cases of grocers still violating the law by allowing drinking on the premises?—No cases have come up, and the police cannot detect them. They are more watchful.

7371. *The Chairman*.—Have you anything more to say?—No, except that it is difficult to create self-command. That is the problem. I do not think society would allow the extinction of drink altogether.

7372. And as regards those who want self-command, you would not throw temptation in their way?—No.

7373. *Mr Campbell Swinton*.—I understand you think that the grocer's shop offers more temptation than the publichouse?—You see, people go to the grocer's who would not go to the publichouse. But I think there are grocers in our town who deal in an honourable way; I am not sure of all.

278. Mr DAVID H. SAUNDERS, Millowner, Blairgowrie, examined.

7374. *The Chairman*.—You employ 500 or 600 people?—Yes.

7375. What have you to say on this question?—I have given considerable attention to it for many years. I am perfectly persuaded of this, that the best class of licence of all is the grocer's licence, and the worst class of licence of all is the grocer's licence,—that the best houses we have are licensed grocers, and the very worst are licensed grocers. My honest opinion is, that it is quite impossible to prevent the grocer of the low class from abusing his privilege as a drink seller, without a system of detection which would be entirely contrary to the habits and feelings of the British people. If I were called upon to speak as to what I thought the best mode of licensing, I would say I would have very great regard for the interests of those gentlemen who have grocers' licences at present, and I would not ask Parliament to do anything in a violent way to interfere with those interests which already exist; but at the same time I would have the Commissioners to look forward to the time when grocers' licences shall altogether cease. I would have three kinds of licences—hotel, publichouse, and spirit shop,—and I would not have the grocer permitted to sell drink at all. I am persuaded that those grocers of the most respectable class, who carry on their business on a large scale, and do it as they think well, would not suffer very much although they were to have their trade separated. My impression is—and I speak from personal knowledge in this matter—that a very considerable number of the grocers of the lower class have themselves been very seriously injured by their trade. A considerable number—my own school-fellows in Blairgowrie—have been seriously injured by getting into this low class of trade. In reference to the working-classes, I think that from the reduction of the hours of labour and from the changes on the habits of those classes, they are rising and rising rapidly as a whole, but 30 per cent. of them, with the increased wages and shortened hours, are going rapidly down, and I am persuaded that amongst women particularly the grocers' licence is exceedingly pernicious. I could mention cases from my own experience. I have been a teetotaler all my life,—which I mention that you may

take away what weight you please from my evidence. I can mention the case of a woman who comes to me with three children seeking work. She gets work, by and by she becomes an abstainer, and the family do well. She builds up her little house, and comes to me and says she hopes the past of her life is to be forgotten. Well, she deals with a grocer who sells drink. I endeavour to dissuade her from doing that, but she has got into the habit, and I do not persist. By and by she yields to the influence of drink,—her house goes down,—the clothes that have been got for her little boy and her bible are sold, and the family goes to ruin. One day lately her son came to me and said he wanted me to see his mother. I went and saw her, and pressed upon her the importance of changing her habits; and I may tell you that two days afterwards she was lying dead, and from under her pillow I took half-a-bottle of whisky with a grocer's label upon it,—that grocer being a man I know well. He also has become very unfortunate in connection with this trade. I think that that class of house is the very worst of all for the working people, and if the Commissioners can devise any mode by which the trade can be prevented from being abused in that way they are wiser than I am.

7376. Then this particular woman who went to the bad had been given to drink before?—Yes. I may add that she made a constant practice of sending her little girl for drink to the grocer's with a basket, when she went wrong. I could give you case after case of that kind, and the names also if necessary.

7377.—Does it often come under notice that the getting of drink at the grocer's brings a family into trouble?—Yes. I never see a family do well when they deal with a grocer who sells spirits. Many of our people have formed a little society for getting their goods, and in that way have done pretty well, and have got a little above the world; but I have hardly known any of them get above the world when they dealt with one of those low grocers.

7378.—Have you co-operative stores?—Yes, they have one of their own which they have wrought very successfully. They do a very large business. Personally, I think it is not very sound political economy; but it has wrought very admirably with them. I am not so bitterly prejudiced as some. I get my family provisions from a licensed grocer,—a most respectable man,—but at the same time it is my decided opinion that the thing is so liable to abuse that I am afraid nothing that can be done will prevent the gross abuse of it. From the remarks that have fallen from Mr Campbell Swinton, he seems to have a tendency towards having a wine and beer licence in connection with the grocers' shops. I may say I had a strong feeling towards that myself, and a very strong desire to see the light wines of France substituted for the spirits of this country. But I am afraid, from my experience of the beer licence, that under cover of a wine and beer licence in a grocer's shop you would have the evil again, and the difficulty of detecting it, and

the whole thing all over again. I am persuaded you could not do that successfully.

7379. *Mr Campbell Swinton.*—You spoke of a third mode of licence if the grocer's licence were taken away, viz., a spirit-dealer's. Would there not be great difficulty in regard to that? It would be a shop where there was no drinking on the premises?—Yes.

7380. Would that not be liable to evasion?—It might be, but I do not think it would be so liable to evasion as the grocer's licence. Besides, I think that the most respectable of the dealers would have no objection to be placed under the most strict police supervision.

7381. All the respectable grocers except one or two say they would not have any objection to that?—You will generally find that the higher class of grocers mostly object to it, and there is difficulty there. There is another point. I think it is a very great misfortune that the whole value of the licence is not got. For instance, you give a licence to any premises, and immediately the shop is doubled in value. If the doubling of the value comes from the licence, and if the licence is a thing given by the public, then the public are interested to the full value of the licence.

7382. *The Chairman.*—Always leaving a fair profit?—Undoubtedly, leaving a fair and reasonable profit. Mr Bruce, the late Home Secretary, had a scheme for the object I have mentioned.

7383. He wanted to have an auction?—Not exactly, but he wished to sell the licences by sealed offers. Still, I do not think it would do the least harm if you made the cost of a licence in Dundee three or four times more than it is just now. The practical effect would be that you would have many fewer houses, and when you have first-rate large houses, kept by men of capital; these men will respect the law, and there is not the same difficulty in looking after them. From my knowledge of the working men,—the more intelligent of them,—my impression is that they are thoroughly in favour of the separation of the grocery and spirit trades. At the same time I would not like to see it done harshly or rashly, so as to injure existing interests. I don't think Parliament would sanction that. I have just one other observation to make. In the country districts I am sure there are not the same facilities for enforcing the Act which you have in large towns like Dundee. We have two policemen, and by and by they get to be known by all the grocers, and the thing is very easy altogether. I am sure there is not the same means at the disposal of the Lord Lieutenant of Perthshire for the regulation of the traffic in the rural districts which Provost Robertson has in Dundee. Again, I know many young men who have conscientious scruples about taking a licence, and they fight away their little business bravely against a first-rate licensed shop next door. Again and again those men are tempted to apply for a licence, and I know that the magistrates are just at their wit's end for a reason for refusing a licence to the one party who is equally respectable as the other.

Adjourned.

DUNDEE.

David H. Saunders.

ABERDEEN, SATURDAY, 3RD NOVEMBER 1877.

Present:—

Sir JAMES FERGUSSON, Bart.
Mr A. CAMPBELL SWINTON.

Sheriff CRICHTON.
Mr FERGUSON.

Sir JAMES FERGUSSON IN THE CHAIR.

279. Sheriff COMRIE THOMSON, examined.

7384. *The Chairman.*—You have been good enough to prepare your statement, and the best course, I dare say, will be to read it?—My statement is as follows:—
'I was appointed Sheriff-Substitute in January 1866.
'Before speaking to the special subject which engages the attention of the Commissioners, I desire to say

'that I proceed on such assumptions as these: (1) That the question is as to the regulation, not the prohibition of the drink traffic; (2) that the necessity for interference and control by law has been already admitted by the legislature, and that greater restrictions are called for by the public; (3) that there must be some places where refreshments, in the form of alcoholic liquor, can be obtained in small quantities for con-

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Thomson.

'sumption both on the premises and elsewhere; (4) 'that the legislature must guard against making one 'law for the man who can afford to buy in large quantities, and drink at home under comfortable conditions, 'and another law for the man who can afford to buy 'only a small quantity at a time, and who has no comfort at home; (5) that the abuse of alcohol is (speaking materially) the principal factor in the production of 'poverty, misery, and crime. In regard to the general 'question, I am of opinion that the main cause why 'violence so often accompanies drunkenness among the 'poor, is that they are supplied with bad drink, and 'that they take it under pernicious conditions, such as 'insufficient, or rather non-existent ventilation. It is 'evident in many cases of drunken brawls and the grosser 'forms of assault, that a comparatively small quantity of 'drink has been taken, but that that small quantity has 'been simply poison, either by reason of adulteration, or 'by being sold when so raw and new as to be unfit for 'even moderate use with safety. The poisonous effects 'are greatly increased by the liquor being drunk in 'small confined cabins, or boxes, in a contaminated 'atmosphere, and from which the fumes of coarse 'tobacco cannot readily escape. As to the premises of 'licensed grocers, I have no personal means of knowing 'to what extent the consumption of drink goes on within them. I have frequently received the impression 'that it has been permitted, but so far as I can 'recollect, the fact has never required to be made 'matter of proof in any case which I have tried. 'There is apparently, however, sufficient evidence 'already before you on that subject. I have, however, 'repeatedly found it clearly established, and not less in 'country districts than in the city, that drink has been 'furnished on credit, and charged in the account either 'as "goods," or under some false name. I have seen a 'few cases in which it was almost, if not quite certain, 'that drink had been supplied in this way to wives 'along with the ordinary family provisions, but it is not 'easy to say whether the wives consumed all the drink 'themselves, or whether the husbands winked at the 'practice. The latter sometimes repudiate the purchase when sued for the account, but not always. 'Assuming, however, that matters in this respect are a 'great deal worse than I can say from my own observation and experience, I am not prepared to hold that 'the time has come for the entire separation of the 'grocery and spirit trades. I give little weight to the 'hardship which such a measure would inflict upon 'many respectable people who have long-established 'businesses, because in all this question the general good 'of the community must be the paramount consideration. 'But I believe such a separation would probably lead 'to greater evils than it would prevent; and, further, I 'am of opinion that certain reforms and modifications 'of the existing system—which, although somewhat 'severe, are yet practicable, and, in the state of matters 'by which we are surrounded, not unjust—would go a 'long way to prevent the mischief complained of. I 'propose such reforms as these:—1. That all illegal 'drinking shall be followed by substantial penalties to 'be exacted from the consumers as well as from the 'sellers. This includes all drinking within grocers' 'shops, whether the drink be a present or a purchase, 'and all drinking at illegal hours in publichouses. '2. That no licence be granted to a shop unless it be of 'spacious dimensions, and so constructed that immediately 'on entering, the whole shop space shall be within view. 'That licences be granted principally, if not wholly, to 'premises in the leading thoroughfares. In the case 'of publichouses, that all small shops be abolished, and 'all partitions or rooms. That in towns the object aimed 'at should be to have only a few large halls for public 'refreshment, with wide public entrances, lofty roofs, 'perfect ventilation, plenty of light, every person within view of his neighbour, and with the strict enforcement of cleanliness and order. Sufficient privacy of 'conversation would be secured by an abundance of 'small tables suited for two or three persons. If it be 'objected that persons fresh from labour and with soiled 'clothes would not feel comfortable (or might cause

'others to feel uncomfortable) in such places, there might 'be a first and second class, in every respect, except 'perhaps as to furniture, identical—admission to the 'former being subject to a small charge, say 1d. Assuming that there is nothing wrong in the mere use of 'alcoholic drink—it is undesirable, because it is demoralising, for people who wish to buy it to do so in a sneaky, 'half-hidden fashion, and with an *arrière pensée* that 'they are doing what they know to be wicked. 3. A 'complete, energetic, and constant system of inspection: '(a) of the quality of the beer and spirits sold. There 'should be regulations fixing the "drinkableness" of 'liquor with reference to its age; (b) for the detection 'of all illegal drinking or selling. The inspectors need 'not be numerous (assuming the abolition of small 'shops, and of shops in back streets), but they must be 'men of a very high class, well paid, and such men as 'will secure the confidence of all respectable dealers. 'To pay inspectors of the liquor trade such wages as '25s a-week is worse than useless. They ought to be 'entitled to enter all licensed shops and houses at all 'hours without requiring to prove that they had any 'cause for suspicion, under the limit, of course, that all 'persecution by an officious inspector shall be checked 'by authority. 4. Finally, the whole licensing power 'should be absolutely in the hand of a local board, 'elected periodically (once in three or five years) by the 'ratepayers, for that special purpose, in the same 'manner as the education of a district is entrusted to a 'school board. They ought to have within their control 'the number, accommodation, situation, &c., of all 'licensed shops and houses, and the inspectors ought 'to be their officers, and responsible to them.'

7385. With reference particularly to the cases in which you have found, in the discharge of your official duties, that drink has been furnished on credit and charged for in the accounts as goods, or under some false name,—can you say that such instances have been numerous?—Yes.

7386. And of recent occurrence?—Yes. By that I don't mean to say that they have been more numerous recently; but they have not been less.

7387. Have you found a dozen cases in the present year?—I have certainly, on an average, found as many as a dozen in a year.

7388. Has the spirit-dealer generally abandoned his claim for articles furnished as goods when they would have been objected to on the ground that they represented spirits?—These cases are generally struck at by the Tippling Act; and when that was pointed out, the claim had to be abandoned.

7389. It was then only that 'goods' meant spirits?—Yes.

7390. Sheriff Crichton.—What means do you take to ascertain that?—Sometimes the defender says, these things called 'goods' are spirits; but generally if one sees 'goods' in an account for provisions, one inquires what they represent, and on the whole I think you get a true answer.

7391. The Chairman.—It is only small grocers who sue working men for accounts?—Yes.

7392. Has the number of cases diminished since the abolition of the Arrestment of Wages Act?—Not perceptibly, as far as my experience goes.

7393. Have you had cases of actions for the recovery of debts in the shape of small loans to working men?—Yes.

7394. We were told by the clerk of the peace for the county of Edinburgh, that he thought all such loans had sprung up very much on account of the disallowance of accounts to grocers. What do you say in regard to that?—I noticed that evidence as reported in the newspapers. My own experience does not confirm it. I may mention in connection with this, that some years ago there was a very common system among the humbler class of working people of dealing with bills, which has fallen off to a remarkable extent recently.

7395. You say you have not much personal knowledge of malpractices in any licensed grocers' shops, so that I need not ask you any questions about that?—No.

7396. *Sheriff Crichton*.—Is there any public analyst for this district?—The city has one.

7397. Has the county one?—No.

7398. *Mr Ferguson*.—You say in the third paragraph of your statement, 'the inspectors need not be numerous,' and then, 'to pay inspectors of the liquor trade such wages as 25s. a-week is worse than useless.' Is it within your knowledge that the employment of county police in the detection of breaches of certificate has had a bad influence in their being unable to carry on their proper duties in criminal matters?—I am not in a position to put my finger on any case in which I have seen injurious results arising from the employment of constables in the county to discover breaches of licence certificates, nor upon any case in which I have seen that actually interfere with the discharge of their proper duties; but I have a distinct opinion that it is undesirable that police constables should be employed in the service.

7399. Your suggestion is that there should be a separate staff of inspectors?—A separate staff entirely, apart from the police altogether. With reference to a question formerly put, allow me to say that the bills of which I have spoken, and which were common formerly, were generally in connection with friendly yearly societies, and the number of these societies has decreased since the abolition of the Arrestment of Wages Act.

7400. *The Chairman*.—You have not become aware of money-lenders who do professional business among the working classes?—No.

7401. Have you anything else to suggest to the Commissioners?—No.

280. Major JOHN ROSS, Chief Constable of Aberdeenshire, examined.

7402. *The Chairman*.—You have prepared a statement, have you not?—Yes.

7403. Will you read it in the first place?—'I would not withdraw licences from grocers, but have more stringent regulations in regard to the sale of spirits and mode of conducting business. I would restrict the sale of spirits to persons of mature years, say eighteen or twenty, and prohibit entirely the sale to girls and boys. All obstructions to a complete inspection of the premises, either by the windows, doors, or counters should be illegal, as well as the entry in pass-book or other accounts of the purchase of spirits in any other name. The entire withdrawal of grocer's licences would necessarily throw the people absolutely on publichouses—which would be much worse; every facility should be given by law to thorough inspection of grocers' shops by the police or other authorized inspector at all times. I am of opinion that the employment of the police in the prevention and detection of breaches of certificate is very detrimental to the carrying out of the ordinary criminal business, in so far as, being outside their direct criminal work, it causes the constables to be viewed with suspicion and dislike by the trade, which often proves an obstacle to their obtaining needful information in criminal cases. It undoubtedly would tend to prevent breaches of certificate if the buyer could be punished as well as the seller, but a further difficulty might arise in obtaining convictions without the evidence of the buyer. Drunkenness would be greatly reduced by early closing, say at nine o'clock for all. I would make no distinction between grocers and publicans. In any amendment of the law it would be necessary to make it a breach of certificate for a grocer to sell spirits to be consumed on the street or road passing his shop. Much drunkenness is caused by the sale of adulterated liquors, but this occurs chiefly in publichouses and spirit shops—too stringent measures cannot be taken to prevent this. In this county there is little selling in open vessels except in ordinary bottles; spirits are carried through the county in grocers' carts, but chiefly to order. It would be an advantage to prohibit its being carried at all. Two detections of hawking spirits (one at

Midmar and one at Kintore) have been obtained by the police, and the parties fined. There is no doubt but a number of small grocers would cease to trade if they had not the spirit licence,—and though I am not prepared to fix the rental which should indicate who these small grocers are, I am decidedly of opinion that a considerable reduction in their number could be made with advantage to the temperate habits of the people. With regard to systematic evasion of the law, I am of opinion that the amount of rental does not afford the necessary guarantee, but that there are grocers with small rentals who conduct their business in strict conformity to the law, while others paying a high rental systematically break it. It must be noted that the reduction of grocer's licences might naturally tend to the increase of publichouses or drinking shops. The following figures are mentioned with reference to the return handed in to the secretary:—In 1859, there were 194 licensed grocers in the county; in 1876, 149, being a reduction of 45. But the shops selling beer and porter have increased from 9 in 1859, to 40 in 1876. The hotels and publichouses 260 in 1859, were 211 in 1876, being a reduction of 49, making a reduction in the county from 1859 to 1876 (viz., 17 years) of 63. From 1862 to 1876, the number of persons found drunk and incapable has increased about fourfold, viz., from 22 in 1862, to 85 in 1876, arising from the fact of several burghs in the county having adopted the Lindsay Act, which enables the magistrates therein to punish these petty offences. I am satisfied these figures do not show an actual increase in this police offence. 625 persons were convicted of breach of the peace in this county in 1876, of which the greater part directly, or indirectly, arose from drink.'

7404. Has the reduction in the number of licensed houses been the result of a seated policy on the part of the justices?—I think it has arisen from the force of public opinion, or their own impressions have caused the magistrates to take a more stringent view of the law with regard to the granting of licences.

7405. Has the action of the justices been uniform over the county, or do they grant licences more freely in some districts than in others?—They grant more freely in some districts than in others.

7406. Does that difference show itself in the number of grocers' licences, as well as in the number of public-house licences?—I am not prepared to answer that. I have not got statistical information to give an answer to the question.

7407. In some districts the number of houses in proportion to the population is greater than in others, is it not?—Yes.

7408. Have the justices taken the view that they might grant grocers' licences more readily than public-house licences?—I think so.

7409. Do you think that that opinion continues to prevail, or that it has been modified?—I do not usually attend the licensing courts myself. It is not my business to do so, and on this subject I can only give an impression. From my own men, and from what I have accidentally heard, I think the impression remains that the grocers' licence is more easily granted than the publichouse licence.

7410. Have the burghs in the county separate police forces?—The city of Aberdeen has a separate police force; and none of the burghs have separate police forces in the respect in which the city has.

7411. I understand from the last paragraph of your statement that you think the apparent increase of drunkenness has rather arisen from the increased stringency in detecting and punishing it?—Yes. There is a power now to punish. The magistrates formerly not having the power to punish such a petty offence as drunk and incapable, it was not thought worth while to send parties to Aberdeen to be tried, and they were allowed to go as soon as sober; that was the course pursued over the county. The return I have given in does not show the actual return of drunk and incapables over the county, but only in those places where the authorities are able to punish them.

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Major Ross.

7412. But you would think it a false deduction from the returns, would you not, if we were to assume that the amount of drunkenness has so much increased?—Certainly. That is what I distinctly wish to be understood.

7413. *Sheriff Crichton*.—The drunk and incapables were formerly allowed to go free, were they?—Where there was no resident magistrate to punish, they were allowed to go.

7414. Some of the places having adopted the Lindsay Act, they are empowered to punish?—Yes.

7415. And you think that accounts for the increase?—Yes.

7416. *Mr Ferguson*.—Which burghs have adopted the Lindsay Act?—Peterhead, Fraserburgh, Huntly, Inverurie, Turriff, and Woodside.

7417. *The Chairman*.—You have told us in the written answers you gave to the first inquiries that the evasion of the law is habitual, not only by admitting persons to consume drink in back shops and rooms, but by persons purchasing in shops, and stopping outside the door and drinking it.—Yes.

7418. Have there been many convictions of grocers for breaches of certificate?—I have a copy of my return here, and from it I see that there were 130 convictions from 1856 to 1876.

7419. What is the total number of such convictions for the last 5 years?—18.

7420. What is the total number of licensed grocers in the county at present?—149.

7421. Do you mean us to understand that there is habitual evasion of the law which the police have been unable to detect?—Yes.

7422. But which they are well assured takes place?—Yes.

7423. What are the chief difficulties in the way of the police detecting drinking on the premises?—The first difficulty is the man's determination that he will evade the law by any possible means he can command. He puts people to watch when the police are thought to be on the outlook. Then he has a back shop, or a room, or a side-door, or something else by which he is able to remove all traces of drinking before the police come in. It is only as it were by subterfuge that the police can manage to get a conviction against them. It is generally always through barred doors.

7424. Are there houses in every part of the county where the police believe that illegal drinking goes on?—More or less they exist over all the county.

7425. *Mr Campbell Swinton*.—You mean grocers?—I do.

7426. *Mr Ferguson*.—Are they chiefly in villages and towns?—Mostly in villages.

7427. *The Chairman*.—Have you had cases where the procurator-fiscal declined to prosecute or the justices to convict on the ground that parties were not caught in the act?—I don't know that such instances arose from the party not being caught in the act. I think it arose from deficiency of evidence. What the witnesses stated at the time when the police took up the case they did not stand to when the case was brought up for trial.

7428. Then it was only on the evidence of the persons who had been drinking that you hoped to get convictions?—Yes.

7429. Do you think that if the law were amended, and the principle in operation in the prosecution of shebeens were extended to grocers—namely, that the presumption should be in favour of the prosecution where the drinking utensils were found, that would help you?—Yes.

7430. Have you had cases where persons were found with spirits before them, or glasses before them, and yet there was no actual proof that they had been drinking?—Not many. Where the spirits have been actually found it has not been found necessary in proof to bring evidence that the parties actually drank the stuff, or had been seen drinking it.

7431. Suppose a police-constable sees several working-men go into a grocer's shop together, would he suspect that they were going in to drink, and think it his duty to go and see what they were doing?—No.

7432. Would he think that beyond his duty?—Yes. The first thing he thinks is—Is this a suspected shop in my district? Is this a shop which I have reason to believe is conducted irregularly? If he thinks so, and sees these men go in at an improper hour, or anything of that kind, then he would be on the watch; but he could not go in in uniform, for every appearance of drink would be removed by that time. I have for a long time directed my men to go in in plain clothes.

7433. Is it your belief, from the information you have, that many grocers' shops are just used as dram-shops?—I cannot speak from actual knowledge of that. It is from inference that I state—as I have done in my statement—that a considerable number of grocers' shops could not exist if it were not for the drink part of them.

7434. But then they might be selling drink in a legal manner—small quantities to be taken away. What I meant by my question was this: Do you think that many of them allow men to go in and have a dram as if the shop were a publichouse?—I don't know of any shops that are really used to the extent to which a publichouse would be used; but I know of houses which systematically make a practice of being prepared to admit parties to drink on the premises, and to drink beyond legal hours, as a matter of gain.

7435. Does the drinking, beyond legal hours take place before publichouse hours in the morning or late at night?—Partly both.

7436. Then, an obvious remedy you would suggest for that would be that licensed grocer's shops should not be allowed to be kept open except during the public-house hours?—Certainly.

7437. As to the adulteration of liquor, do you mean by that that you think the liquor is actually mixed with something that does not profess to be in it?—I cannot see how parties, who I have reason to know have only taken a small amount of spirits, can get to such a state of mad drunkenness as they do except by having drunk something much stronger than ordinary spirits.

7438. Do you know if the liquor has ever been analysed to know if there is anything else in it?—No. We have no public analyst in the county.

7439. *Mr Campbell Swinton*.—Would it be an improvement if you had?—Certainly. I think the law in this matter cannot be too stringent.

7440. *The Chairman*.—You say spirits are carried by grocers' carts, but chiefly to order; have there been any convictions for hawking spirits?—There are two mentioned in my paper.

7441. Have you had reason to suspect that there was more of it?—I think there is; but not to any great extent.

7442. Suppose the justices fix the number of licensed houses in a district, and that there are many carts traversing that district carrying spirits, would that nullify the intentions of the bench?—In that view of the matter, as I say in my statement, it would be better that carts carried no spirits at all, because, if there are a certain number of licensed houses in a district, it would be easy for the parties to procure what spirits they wanted from the publichouses and not from the carts.

7443. At present many people in the country get spirits from the towns because they get it better, do they not?—And because they employ a certain party—a party probably with whom they have an account; and it is easier to get it from him and continue the account than to pay hard cash to another when they want spirits.

7444. Do you think it would be an advantage if the justices were required to lay down something like the number of licensed houses in each part of the county that they considered necessary, so as to avoid irregularity?—I think it would.

7445. *Mr Campbell Swinton*.—Is the practice of the justices different in the different districts of the county?—It is.

7446. As to the views they take of the numbers required?—Yes.

7447. *The Chairman*.—Would you attach importance to your being yourself consulted by the justices as

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to the fitness of any party to receive a licence?—I do, certainly.

7447. *Mr Campbell Swinton*.—You spoke of the propriety of prohibiting the sale to very young persons. I suppose you would extend the prohibition even though those persons were employed merely as messengers?—I would. I might mention that the Act says it is not to be supplied to persons under 14 years of age. Well, that is a wide term; and a person accused of such a thing might say of a child—'Well, I thought he was 14,—I thought he was over 14 years of age.'

7448. And you would make the minimum a greater age than that, would you?—I would say people of mature age, and then there could be no mistake.

7449. *The Chairman*.—You spoke of spirit shops as distinguished from publichouses as places where adulterated liquor was sold; are there any considerable number of spirit shops, not grocers' shops, and not publichouses?—Yes.

7450. Spirit-dealers?—Yes; small drinking-shops.

7451. But I mean shops not publichouses?—Well, they have a publichouse licence, but not the same surroundings as a publichouse.

7452. But there are persons who take a grocer's licence, but who do not sell groceries, are there not?—Yes.

7453. The result of taking away the grocer's licence would probably necessarily be to increase that class of shops, would it not?—I think that should be carefully watched against; the small shops do more mischief than anything in connection with the drinking habits.

7454. You mean shops that have not the publichouse licence, do you not?—Yes. In the 211 hotels and publichouses mentioned in my statement for 1876, 16 of them sell only porter and ale. But that is fully detailed in the return which I have sent to the secretary.

7455. Do you think good effects follow from giving porter and ale licences rather than spirit licences?—I am not prepared to give an opinion as to what the effect of that may be; but I think people will not get so easily drunk on that as on spirits.

7456. Therefore if we can induce them to drink beer and ale instead of whisky, it would be an improvement?—As far as the advantages derived from the two kinds of drink respectively are concerned, it would be.

7457. *Sheriff Crichton*.—Have many of the grocers of Aberdeenshire the dwelling-house connected with the shop?—Yes.

7458. Do you think any evil results from that?—Not to my knowledge. I have referred to that in the remarks in my return. In the landward part of the county, the rents paid by grocers are made up from other sources than the house merely. Sometimes an acre or two of land are occupied; sometimes as much as five or six go along with the house. In my opinion the amount of rent paid is not a guarantee for the shop being conducted according to law.

7459. You don't think, do you, that the dwelling-house being connected with the shop gives rise to anything?—Oh yes, undoubtedly. The dwelling-house being directly connected with the shop has, of course, a tendency to illicit drinking.

7460. And gives facilities for evading the law?—Yes.

7461. Has that occurred in your experience in Aberdeenshire?—Yes.

7462. Frequently?—Yes.

7463. *Mr Campbell Swinton*.—Do the justices make any rule about requiring that the house and shop shall be separate?—Sometimes they do. There was a case at Woodside where they would not grant the licence until the man gave in a guarantee that he would shut up a door communicating with his own house.

7464. *Sheriff Crichton*.—You said the business of watching the publichouse should be entrusted to others than the police. Have you any reason to believe that the police of this county are treated by grocers or publicans?—As far as my authority and influence go, I put it down with a very strong hand. I don't think that my men are treated to any extent by publicans,

because they know that if discovered it would be dismissal without a second chance. If any case of treating was reported to me, I would deal with it.

7465. That has not come under your own observation, has it?—No, and my own impression is that it does not occur to any extent whatever.

7466. *Mr Ferguson*.—With regard to licences we have had suggestions thrown out, that if the number of licences were limited, it would necessarily create a monopoly, and that to obviate that to some extent it would be a good thing to put the licences up to public auction, and apply the proceeds to decreasing the rates. Have you any opinion to offer on that head?—I have no opinion further than this, that the decrease in the facilities for obtaining drink has always decreased the amount of drunkenness, and *vice versa*.

7467. *The Chairman*.—You said that every facility should be given by law for thorough inspection of grocers' shops by the police or other authorised inspector at all times?—I am of opinion that the employment of the police in the prevention and detection of breaches of certificate is detrimental to the carrying out of the ordinary criminal business of the county, in so far as it is outside of their direct criminal work.

7468. By whom do you think breaches of certificate could be detected, if not by the police?—By a regularly constituted body of inspectors.

7469. Then we would require a second body of police for such a county as this?—Yes, there would need to be a certain number of men detailed for this specific work.

7470. *Mr Ferguson*.—And who would not be employed in other work?—Exactly. I wish to make this clear. It is a point on which I hold a very strong opinion. The employment of constables in this work is one that I have considered from the first is very detrimental to the ordinary criminal business of the county; because it produces heartburnings and bad feeling between us and the very parties from whom my men are able to get the best information in regard to crime. The best information is got from those grocers or publicans who are in the habit of coming in contact with such parties as we are in want of.

7471. *Mr Campbell Swinton*.—Then you would have a new body of inspectors under command of the chief constable?—I think so.

7472. *The Chairman*.—In a country village, where there is only one policeman, you think he can't efficiently look after the publichouses as well as the ordinary peace of the inhabitants?—He can do so. But I think the principle on which the police force ought to be managed is to be on the very best terms with the whole of the population, in order to be able to carry out the criminal business efficiently, and they cannot be so, if a certain portion of the population—namely, some licensed grocers—chooses to evade the law, for they are obliged to be on the watch for them.

7473. But undoubtedly a policeman's business is to detect that which is criminal by Act of Parliament—for instance, carrying game on the highway and things of that sort, which is different in some measure from the crime you refer to?—Poaching at night is a direct criminal offence, tryable before the sheriff; but in my opinion, my men do not get so much odium from enforcing the game laws as from enforcing the licensing laws.

7474. But are there not many trifling parts of a policeman's duty, besides putting down serious crimes, which must bring him into collision with a portion of the population?—Yes, but not in such an obnoxious way as in enforcing the licensing law.

7475. It is so often assumed that a breach of the licensing laws leads to other crime, that you are rather tapping the crime at its source, are you not?—I shall explain myself more fully. In dealing with the licensing laws, especially in regard to grocers, you are dealing with a portion of the community who, from their position, are held to be thoroughly respectable and above committing breaches of the law; but in dealing with other classes of the population, such as poachers—poachers by night or by day—you are dealing with a class

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7476. Is not a licensed grocer who has a certificate on certain conditions, which are very plainly laid down, and who is systematically contravening the law, as distinctly amenable to the jurisdiction of the law as an offender against the Game Acts or any others?—Certainly, but he does not come under what I consider the direct criminal business of the county—thefts, assaults, breaches of the peace, and so on—offences against the person and property.

beyond the publichouse hours?—It frequently happens that a grocer has business of some sort to transact after his shop is shut, and he is closetted with a few friends after hours. It is not easy to detect it, but it comes out, that part of the business transacted is just drinking.

7491. Was it found that the grocer being allowed to open his shop for business other than selling liquor before 8 o'clock in the morning, and to keep open as late as he liked, led to illegal drinking?—It gave a facility for it; and it was not a punishable offence in the grocer to keep open his shop.

7492. Is that a change which you think desirable,—that he should be allowed to open his shop only during such hours as those during which the sale of drink was allowable?—He should be allowed to open only during the same hours as the publican, whatever they were. If that suited the public in their legitimate demands for groceries, I think it would be a good change. As anybody will observe, the grocers against whom there is no suspicion of any such traffic, find it profitable to keep such hours, and it suits the public that they should keep open pretty late, especially on some days in the week.

7493. 11 o'clock would be late enough, would it not?—Yes; as late as any reasonable person would frequent the shop.

7494. *Mr Campbell Swinton.*—Is there any necessity for the convenience of the public that they should be open as late as 11 o'clock?—It is not easy to understand what the convenience of the public is. Some part of the public seem to find it convenient to transact business pretty late.

7495. That is to say, they have got into a habit of doing their business late?—Probably.

7496. But if the shop to which they go were shut at 8 o'clock, they would soon find that out and go sooner, would they not?—I should think it would be no inconvenience. The working classes are generally paid in the afternoon, or about the middle of the day, whatever the pay-day is.

7497. *The Chairman.*—Besides the cases which have brought to conviction, have you had many cases reported where the evidence was insufficient?—Yes, a very great number. I should think very nearly as many reports where the evidence was insufficient as convictions.

7498. Did that arise from the want of power in the law—I mean the conditions required for conviction being so complete?—No; it arose from the ordinary difficulties that arise in proving any offence or crime with insufficient evidence.

7499. You have no experience in prosecuting cases against shebeens, have you?—Yes.

7500. Is it not the case that the evidence in prosecuting a shebeen may be much more simple than that required in convicting a grocer?—The law has made it very simple.

7501. Would a similar change in the law in regard to licensed grocers render it easier to convict?—Yes; but it would be a rather sharp weapon to entrust to prosecutors. You might establish something like habit and repute against a grocer; that he was habit and repute in contravening of his licence. That can be proved against a shebeen, and it is a very useful thing; but it would be dangerous if not very carefully used.

7502. There is something in the Act, is there not, as to the presumption arising out of the presence of drink and drinking utensils?—Yes; the effect of the provision may be thus expressed: It shall be sufficient, in the absence of contrary evidence, that some person other than the owner or occupier shall be found drunk or drinking on the premises, or having drink supplied to him, or that the place is fitted up with drinking and other fittings usually found in publichouses.

7503. We have heard of cases where glasses have been found in front of people in grocers' shops, and where the evidence has yet been found insufficient to convict?—Our magistrates have never stumbled on that. They have never stood upon the idea that it was necessary to see the drink passing into a man's mouth to be

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7477. *The Chairman.*—You are procurator-fiscal of the city of Aberdeen?—I am.

7478. To what points in our inquiry can you speak;—In regard to No. 3 of the queries in the memorandum, the magistrates of Aberdeen have no fixed or established regulations or bye-laws; nor have they formally made any resolutions as to the extent to which the limitation of the numbers should be carried. They have pretty uniformly kept in view that they should, as far as possible, diminish the number, which, in Aberdeen, had been believed to have gone to an excessive extent, and to trust the licences only to houses of a construction and locality which they approved of, and to persons thoroughly well recommended. Although it was not established as a rule, yet it has been observed as a thing to be understood, that divisions in grocers' shops, such as might be used for concealing drinking, should be removed; should not be allowed to exist; and that, if possible, in no case should a grocer be allowed to live in his shop, or chamber immediately connected with the shop; and although the magistrates have not carried that to the extent of opposing a grocer living in the same building, it has approached that. It is the feeling of the magistrates, I think, that it would be well if the grocer should live at a distance from the shop. You can understand that that must necessarily be applied to the class of grocers' shops which fall under the suspicion of abusing the licence.

7479. You mean that those conditions would be inapplicable to some other shops?—Yes.

7480. Larger shops?—Yes; what I call respectable shops, as distinguished from those liable to suspicion.

7481. But, as a matter of fact, there are many houses licensed in the city now which, in the opinion of the magistrates, ought to be subject to such conditions, but have been licensed without being attended to?—I am not sure that I would say many. There are, no doubt, some—perhaps more than I suppose; but a great many have been refused on account of the applicants living on the premises; and a great number of shops have been separated from the neighbouring chambers by the magistrates insisting on stone-and-lime or lath-and-plaster separations.

7482. An inseparable division, in short?—Yes.

7483. Have these regulations or conditions been determined on in consequence of frequent breaches of the law?—Yes.

7484. Have these come under your own notice in your official capacity?—Very often.

7485. Have there been many prosecutions?—A great number.

7486. Can you give us the number?—The superintendent can supply you with that. He makes out reports on these statistics annually.

7487. The fact, however, remains that within your own knowledge they have been very frequently?—Yes.

7488. Did it appear that certain persons holding grocers' certificates were carrying on a publichouse business?—Yes. Right or wrong, it is the impression here that the grocers' shops—as a rule the smaller class—are as much publichouses as they are grocers' shops.

7489. That is to say that drinking goes on on the premises?—Yes.

7490. Did it appear that they were selling liquor

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convinced that he was drinking. They took circumstantial evidence as the proper rule.

7504. Have the magistrates taken away the grocers' certificates upon second convictions?—I do not think they ever did it. They have hardly ever to take away the certificate through second convictions. It generally happens that the man who is accused gets more careful when he knows his certificate to be in danger. He therefore tries to let the period of the three years prescription after the first conviction elapse before a second offence is committed.

7505. *Mr Campbell Swinton*.—Do you think the magistrates would take the certificate away upon a second conviction?—They would not do it.

7506. If they were bound to do it, would they have any hesitation?—In that case they would be bound to take it away.

7507. *The Chairman*.—Does the law require strengthening, in your opinion, in respect of the licensed grocers' certificates?—It is very difficult to detect breaches of the law when the parties watching are in the street. The customers of the licensed grocers are found to act as their spies.

7508. Then as long as liquor can be sold and poured into vessels and given across the counter, do you think it would be very difficult to detect evasions of the law?—Certainly.

7509. What would be the corollary to that? If the law has determined that liquor shall not be sold to be consumed on the premises, and if, under the existing system, it is almost impossible to detect evasion, what follows?—I have not thought of the remedy.

7510. Do you think it would be a remedy if no liquor could be poured out in the shop at all, but kept in sealed bottles?—The sealed bottle itself suggests curious questions: is it a bottle with a seal on the top of the cork, or must the wax adhere to the glass, or what is it?

7511. We presume a sealed bottle to mean the seal so placed that the cork could not be withdrawn without breaking the seal?—That may be; but suppose a grocer had a collection of corks with seals on them, he might then put in the cork with the seal upon it, so that nobody could tell when it was put in and how.

7512. Will you kindly take that definition of the sealed bottle—that the cork was so placed that it could not be removed without detection?—And am I to assume that the grocer could not have the liquor in cask?

7513. Not in the shop,—not on tap?—Then certainly if an effectual rule could be made that the liquor could only be kept by the grocer and sold in effectually sealed vessels, I fancy that a remedy would be provided; but I can imagine great difficulty in making and imposing that rule.

7514. Do you see great difficulty in this respect whatever the regulation may be?—Yes.

7515. Are there any more points in the memorandum to which you can speak?—In regard to No. 7, the magistrates have never formally come to any resolutions to recommend any change.

7516. Have you any decided opinion to offer on a change in the existing law?—I think I have told you already that I think that if any proper remedy can be found, the abuse of the law by grocers cries for improvement in the law. I think the facility for detecting shebeens is not estimated properly. Shebeens are of two kinds—those that are associated with brothels and where generally thieving to some extent goes on, or at all events often goes on. I think almost all the detections of shebeens in that class arise out of quarrels about women or complaints of thefts committed. On the other hand, I know that there are a great number of shebeens into which none of these elements enter—where a man probably in his own private house maintains a trade chiefly in beer, ale, and whisky—where his friends or those who know that he does this can come quietly and without any suspicion and have a dram. I think that these cases are almost never detected.

7517. Do you mean by these remarks to show that if the law as regards shebeens in the matter of evidence

was made applicable to grocers' shops it would not be an effectual remedy?—No. I mean the remark to apply to shebeens.

7518. You must, of course, understand that as to shebeens, *per se*, we have nothing to do?—As applied to grocers the same regulations might be worth considering; but I would not recommend them till they were well approved of. In the accusation of a grocer for permitting illicit drinking in his shop, the fact of his shop being habit and repute, a shop where the law was evaded, might be made an element in the evidence, but I have said it is a dangerous tool to trust a prosecutor with. Even in the case of shebeens it requires to be very carefully used, but if carefully used it is a very powerful weapon.

7519. *Mr Campbell Swinton*.—From the tenor of your evidence you would not propose that the two trades should be entirely separated, would you?—I could never see that that would necessarily tend to any great good.

7520. If evil accrues from drinking on grocer's premises, and if the grocers were not allowed to sell spirits at all, would not that tend to good?—Yes. You would then abolish drinking there altogether. That, however, is only one side of the question, and the other question then occurs, where would the people go to? If they are disappointed in getting drink at the grocer's, and if there is another door open for them, they will probably take that door wherever it is.

7521. Do you think that more evil would follow through their going to the publichouses in that case?—I think that shebeens would increase. One may depend upon it that there is some cause for the numerous shebeens that exist. I take it, that whether one likes it or not, one must conclude that to a great extent, in proportion as the restrictions on the sale of drink are severe and strict, shebeens will thrive.

7522. Is it not the fact that it is after the hours of closing the publichouses that shebeens thrive?—Yes, and especially on Sundays. I am certain that anybody who knows the habits of the working classes in this city must be sure that on Sunday forenoons and on Sunday all day there is a great deal of drinking going on in what may be called shebeens.

7523. But not in grocers' or publicans'?—No. I think we have nearly prevented that by such separations as we have been able to make between the places of business and the dwelling-houses.

7524. *The Chairman*.—Have you not put down shebeens to a considerable extent?—We have convicted a good many, but there are a very great number of shebeens of various sizes, down to the very smallest of affairs—mere bottle and glass affairs—of a class which, as I have explained, we almost never detect. I concur with what Sheriff Thomson suggested in regard to drinking-places being made as open as possible, so that no concealment should ever be made possible.

7525. And so that in grocer's shops there would be no obstruction to the view?—None.

7526. And no drinking behind the casks?—Just so.

7527. Or any obscuring of the glass in the windows?—Nothing of the sort. If a regulation applying to this were thoroughly enforceable, you would probably prevent the possibility of drinking in the shops, for a man by looking in at the window would see what was going on.

7528. In that case no goods would be allowed to be piled up in the windows?—None; but there almost always is.

7529. *Mr Ferguson*.—Has it come under your experience that the wives of the working people get drink at the grocer's shop unknown to their husbands, and that that has led to a great deal of misery?—No, that has not come under my notice. In fact, in most of the cases that have come under my notice, the men were the drunkards and not the women. I have heard it currently reported as a fact, that women get a lot of drink home from the grocers'.

7530. *The Chairman*.—I would like to ask you this question—Do you deliberate with the magistrates when the licences are granted?—I am always present, and give my opinion if asked for it. I hear the deliberations of

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the magistrates and know them. It is open to me to make observations at all times.

7531. Do the magistrates insist on the grocers receiving licences being really grocers, or do they grant a licence to a respectable man although he is only to open a shop for the first time with a licence?—They don't insist on a man having been bred to the grocery trade, although they prefer to have a man who knows the business. They do not make it a disqualification that he had not previously learned the business. If he is a respectable man they grant it.

7532. Would they make it a condition when he gets the licence that he has any business at all?—No. A good many of these men are just in transition from some other business.

7533. Do they ever grant a grocer's licence when a publichouse licence has been asked for?—I have seen that occasionally happen.

7534. Then it has been the opinion that the grocer's licence was a lesser evil than the publichouse licence, if I may so express it?—I think that opinion prevailed in Aberdeen for a good many years. Several magistrates were found who upheld that a man was entitled to a grocer's licence, and that it was not like applying for a publichouse licence. Surely, they contended, anybody is entitled to a grocer's licence, and let him have it if he applies for it. It was on some idea of that sort that I think a considerable portion got the grocer's licence. Lately the magistrates have come to be of the belief and knowledge that grocers' shops were what I have described them, or many of them, to be publichouses in disguise.

7535. Have there been any cases of grocers in a considerable way of business, respectable grocers in every way, being refused the licence when they applied for it?—Do you mean new shops?

7536. I mean shops not previously licensed?—As a rule where it was shown that in all probability it was to be a *bona fide* grocer's shop, and that it was to be a well started shop with plenty of capital and in a good position, there has been little difficulty in obtaining the licence. On several occasions where such evidence was brought forward that it was really the intention of the applicants to establish a good shop on a large and respectable scale there was very little difficulty in obtaining the licence.

7537. Then, in fact, most of the respectable shops that want the licence have got them?—Yes.

7538. Would it be a great disadvantage to a grocer if he wanted the licence to help his business to be refused it, seeing that his neighbours all had it?—You speak of a grocer carrying on a business for a time without a publican's licence. Now, I do not know of any such case.

7539. *Mr Ferguson*.—Do you mean that there are no grocers, or that there are few of them without the licence?—Very few. There may be more than I know of, but I know of very few without the licence. I know a few shops called Italian warehouses, which are grocers' shops, but I think there are very few of them in Aberdeen.

7540. *Mr Campbell Swinton*.—Italian warehousemen have the licence, have they not?—No; I do not think so. I know one or two shops which take that name, and they have not the licence.

7541. Then a man taking luncheon there cannot get a glass of wine or liquor of any kind?—No.

7542. *The Chairman*.—Do the magistrates inspect licensed premises once a year before the licensing court?—They either inspect them themselves or get a report upon their condition. The superintendent of police is understood to report if there has anything gone wrong with the shop in the course of the year—if any partitions have been removed, or anything of that sort.

7543. But they don't, as a rule, personally inspect houses for which a new licence is applied?—Yes; they invariably inspect such houses.

7544. Do they visit licensed houses before a transfer is granted?—I don't know; I am not aware of it.

7545. Have you anything else to state to the Commission?—In regard to unlicensed grocers, the question

was asked if I knew of any in Aberdeen. I now remember of many shops of an extremely small size which sell partly-cooked victuals—eggs and strings of that sort. These have no licences. There may perhaps be other grocers who have not the licence.

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7546. *The Chairman*.—You are in possession of a hotel licence in Brechin, are you not?—Yes. I had one in Aberdeen formerly.

7547. What have you to tell us as to the subject of our inquiry—the working of the grocers' licences?—That the withdrawal of the licence from the grocers, or the limitation of the quantity of liquor sold by the grocers to a quart bottle, just leaves the question as to the cause of the increased or prevailing drunkenness where it was. If the grocers were stopped selling liquor in small quantities the public would, in our quarter at least, come to the hotel to have their bottles filled. They would either go there or to the publichouses or the chemist shops—which in our town are licensed—and there get what they want in the bottles which they would take with them. There is a class of drinking which goes on which I do not think you have as yet noticed in the course of your inquiry. It is not drinking in the publichouse nor drinking at home, but a system of drinking done by means of small quantities of liquor put into bottles. The liquor thus drunk is got from the publichouses while they are open, and after they are shut they take the bottles outside and drink it on their way home. This is the case with farm-servants who may be going home with their horses. They drink the liquor on the way. Hotel keepers and publichouse keepers get blamed for drinking which really does not take place on their premises.

7548. Do you refer to pocket flasks?—Yes. I look on this as having, within the last 12 years at least, introduced an entirely new style of drinking.

7549. Do these depend chiefly on the grocers' business?—The flasks were introduced by the grocers, and they are fostered by the grocers. It is the case, nevertheless, that publichouse keepers and innkeepers have to supply the liquor with which these flasks are filled. We supply the parties who ask these bottles to be filled simply in self-defence. I am speaking, of course, of a country district.

7550. At such times as the grocer's shop is closed, and the people want spirits, do they come to you to get their flasks filled?—In my place we are pretty busy on Saturday nights. We have a lot of the working classes in. When leaving the inn at 11 o'clock many of them come to the bar to get two-gill flasks filled. These flasks they take away. This occurs principally on the Saturday nights. I keep a posting-yard, from which parties go away driving. Parties very commonly purchase these flasks and take them away with them.

7551. Is it your impression, from your experience, that if additional restrictions were put on the grocers—restrictions to make them sell no small quantities—they would be turning over an amount of drinking to the publichouse?—The moment the law is made that publicans and innkeepers are to sell liquor to be consumed on the premises, and the moment the grocers are restricted to quantity—say a quart bottle—the recent style of drinking to which I have spoken is stopped.

7552. Do you think it would be possible to prevent a person buying a small quantity of drink anywhere he pleased?—There are publichouses and hotels got up with regard to the convenience of the public at suitable distances from each other. A hotel or a publichouse is established because there is a locality where it is wanted. It is a sufficient distance from other houses of the same kind, and it is supposed to be sufficient to supply the wants of the public. Now, I cannot see that there is any necessity for liquor being all over a

district or a community. As it is, it is simply a thin coating spread over a district, and a thick coating in the immediate neighbourhood of publichouses and hotels.

7553. *Mr Campbell Swinton*.—As far as I can gather from what you say, your meaning is that you would prohibit the selling of liquor by grocers except for consumption off the premises?—Yes. In order that our trade might be respectably conducted, and that we might get clear of the stigma attached to the trade, I would not object to being prohibited from selling drink to be consumed off the premises. I know that our trade would be inclined to go in for that. It would develop the trade in our houses, and besides it would put it under restraint, and make it more respectable.

7554. Are you speaking of hotels principally, or of publichouses as well?—I am speaking of hotels principally. I am speaking of publichouses and refreshment rooms also.

7555. *Sheriff Crichton*.—On Saturday nights do you sell a large quantity of whisky to be taken away?—I do not; still I sell a sufficient quantity to indicate what others do, and to enable me to form an opinion on this subject. From the facts I have mentioned I have been able to form an opinion as to the cause of the drunkenness which exists in the early part of Sunday morning.

7556. *Mr Campbell Swinton*.—Would the majority of the members of your trade prefer that they should not be allowed to sell to be consumed off the premises?—We rather think it *infra dig.* to fill these bottles.

7557. *The Chairman*.—I understand you are to speak about the bad quality of much of the spirits that get into circulation. In the letter you addressed to the secretary you say, 'I will be prepared to state in my evidence that, for aught I know, I may (although paying 15s per gallon for it) be selling a deleterious whisky. I buy it from agents or wine and spirit merchants who are not distillers, but who sell it at same price and under that of distillers. I know the large quantities of foreign or Hamburg or German or potato or beet spirit that comes to this country.' (40,000 gallons were destroyed at late fire in Leith.) 'I know this is largely used for mixing, strength being high—I think 25 o.p. I know that the spirit is the same as the amylic or pentylic alcohol or potato spirit or fusil oil as described by Dr B. W. Richardson.' Do you think that these spirit merchants possess for wholesale business spirits that have not paid duty as home made spirits?—Not as home made spirits. Great quantities—shiploads—of them are brought into Leith.

7558. And in regard to these unrefined spirits, by what name are they known in the trade?—The spirit goes by the name of Hamburg spirit or foreign spirit.

7559. What is the meaning of the amylic or pentylic spirit?—It is described by Dr Richardson as being largely mixed with the spirits consumed, and as being a spirit which produces certain evil effects. In his book on modern diseases Dr Richardson says that ethylic alcohol, or comparatively harmless alcohol, is as nearly as possible represented by spirit made from properly malted grain, and well matured, and that he does not know of a case of *delirium tremens* having sprung from the use of this alcohol. He attributed that and other injurious effects to heavier spirits; of which amylic alcohol or fusil oil is the principal representative chemists know.

7560. What we understand as fusil oil is not a manufacture, but a deleterious spirit found in new spirits, is it not?—Yes, but in greater intensity or greater abundance in what we know as raw grain whisky, and in spirit made from potato and beet. Spirit made from raw grain is looked upon as being unfit for use unless it has been matured for five years. Spirit made from properly malted grain may be considered matured when two years old.

7561. Is the spirit you mention in your letter—for instance, potato spirit—mixed with whisky in bond?—It is brought to Leith in large quantities, and every facility is given there for mixing the spirit in thousands

of gallons. I have that only on newspaper information.

7562. Would it, in your opinion, be advantageous if the Government were to have the spirit which is exposed for sale analysed, and so put some check on raw spirit being put into the market?—Certainly.

7563. You have not thought, have you, how that could be done in the case of home made spirits?—It might be done by being kept in bond for a certain time after it leaves the distillery, might it not?

7564. How do you think it could be done even with regard to the foreign spirit to prevent the deleterious spirits being mixed with British spirits?—I am not prepared to speak on that point.

7565. *Mr Campbell Swinton*.—Could it not be detected by the analyst? If he had power to inspect wherever they were sold, could he not detect the presence of a bad spirit?—We know of four or five forms of alcohol. There is great difficulty, I consider, in their detection. I talk from analysis made for the *Glasgow Daily Mail*. Twenty-six samples of Glasgow whisky were examined, and only one or two were found to be decent whisky. They were all more or less charged with those heavy alcohols. I do think that the analysts testing whisky now only find them adulterated with water. They do not try to detect any of the varieties of alcohol, but only endeavour to find how much water there is mixed up with any of those alcohols.

7566. *Sheriff Crichton*.—Do the German spirits go into bond when they come into this country?—They are mixed in bond. The Excise give every facility for mixing them in large quantities. We in the country buy from dealers, who sell some of it under the name of Campbelltown whisky, and so on, but we know that it did not come from Campbelltown. We know it to be a mixture. I 'chaffed' a traveller from Leith on one occasion—a member of a firm—about the German spirit, and he said they did just as I have described.

7567. Would it not be easy to make an Excise regulation to prevent that?—I suppose so.

7568. *The Chairman*.—How do you guard yourself against getting unwholesome spirits?—The only guard I have is to buy from a respectable distillery and keep the whisky in bond.

7569. Have you yourself observed the effects of the impure spirit on people drinking it?—Yes. The effects may be described as varieties of a state of coma.

7570. Have you observed these yourself?—Certainly.

7571. Have you observed the sudden drunkenness caused by a small quantity of spirit?—Yes. I do not know about it so much from seeing parties drink the spirit as through seeing the effects next morning, when they can scarcely put their hands to their heads. Such parties have got bad whisky in some place or other.

7572. Could you, in the case of these parties, say that they had not drunk a large quantity of good spirit?—The parties that I refer to generally come from places that are suspected—the lower class of houses.

283. *Mr JOHN SWANSON*, Superintendent of Police for the City of Aberdeen, examined.

John Swanson.

7573. *The Chairman*.—You have to do with a population of about 100,000, have you not?—Yes.

7574. You have furnished us with returns showing the offences, on the one hand, and the licences held, on the other?—Yes.

7575. Can you give us, for the sake of our present evidence, the number of licences held in the city?—The number granted for 1876 was as follows:—

41 for hotels,
122 for publichouses,
276 for grocers.

Total..... 439

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John
Swanson.

7576. Taking the last five years, does that number shew an increase or a decrease?—Five years ago the number was 494. The decrease, therefore, is very large.

7577. How does that decrease stand with regard to the grocers?—In grocers' licences there has been a decrease from 297 in 1872 to 276 last year.

7578. Has this been caused by the action of the magistrates in refusing to grant licences?—Yes.

7579. We have been told by the procurator-fiscal that, as a rule, the magistrates grant licences to respectable dealers, refusing them where they consider the premises or the party unsuitable?—Other circumstances than these are taken into consideration by the magistrates—namely, whether the locality requires any additional licensed houses, *et cetera*.

7580. But, as a matter of fact, are there not few grocers in a considerable way of business in Aberdeen who do not hold a licence?—There are a few very respectable grocers who sell groceries alone, and hold no licence.

7581. But is that not according to their own choice?—Yes.

7582. Can you tell us the number of offences,—breaches of certificates, committed by grocers during the last few years?—The numbers are as follow:—

In 1872.....	17
„ 1873.....	17
„ 1874.....	9
„ 1875.....	9
„ 1876.....	14
Total.....	66

7583. Were many of these offences committed on Sundays?—There was one of them committed on a Sunday in 1872; one in 1873; one in 1874; no Sunday offence in 1875 or 1876.

7584. Do the numbers you have given us at all represent the extent of the evasion of the law or the amount of it which takes place in grocers' shops, or have you reason to suspect that there is more evasion than you have been able to detect?—I have.

7585. Is there very much more evasion, do you believe, than you are able to detect?—Yes.

7586. Is the evasion of the law only in a certain class of houses?—Yes.

7587. Is it confined to what you call the small shops?—Yes.

7588. Do you suspect it in the large shops?—It may prevail to a certain extent in them, but not nearly to such a great extent as in the case of the small shops.

7589. What do your officers tell you in regard to these breaches of certificate?—They report to me that they are difficult to detect.

7590. Do they tell you that there is much drinking on grocers' premises?—Yes. From the quality or condition of the customers who frequent or inhabit the locality in which such houses are situated, we can get no evidence from them, unless they are really caught in the act of drinking.

7591. Do you believe that there are many shops where it is a common practice for men to drink?—Yes.

7592. Do the officers often try to detect that drinking?—Yes.

7593. What is the result of their efforts?—That the parties will not give evidence, unless they are really caught either with the utensils in front of them or in the act of drinking.

7594. By the time the officer gets into the shop, I suppose there is no sign of the drinking?—None.

7595. What should you consider a good presumption that drinking has been going on in these premises?—It is, generally speaking, in a back shop, or behind some erection at the end of the counter where such drinking takes place; and if the drinking utensils are found there still retaining the dregs of liquor, then we take such a circumstance as presumptive evidence.

7596. Do you think that workmen going to small grocers' shops go for any other purpose than to get

liquor?—They may go for other purposes—to get tobacco, for instance. But they do not go behind the counter to get tobacco or snuff.

7597. What change in the law would enable you to detect these cases more easily?—I am afraid that the disjunction of the two trades would be the most effectual remedy.

7598. Do you think that nothing short of that would do?—I am afraid not.

7599. Would there not be a considerable hardship in requiring everybody who required a small amount of spirits to go to a publichouse?—I do not see that it is necessary that they should go to a publichouse. There might be parties conducting the business of spirit-dealer, and that alone, selling drink to be consumed off the premises, just as the grocer is bound by the terms of his certificate to do now.

7600. The only difference would be that such a spirit-dealer would not be allowed to sell groceries?—Yes.

7601. Are there any such houses in Aberdeen—businesses conducted for the sale of spirits only, the spirits to be consumed off the premises?—Yes.

7602. *Mr Campbell Swinton*.—Are these spirit-dealing businesses respectably conducted?—Yes.

7603. Does no suspicion attach to them?—No.

7604. *Mr Ferguson*.—You mean no suspicion of drinking on the premises?—Just so.

7605. *The Chairman*.—But there are some so-called grocers' shops of a low class, are there not, which are just spirit shops?—Yes; a good number of them.

7606. That is a class which you think should not have such a licence?—Decidedly not.

7607. If the trades were separated, you would guard against such shops being set up, would you not?—I mean mere whisky shops, where drinking would go on?—I would have these shops under the same regulations as publichouses are at present. The police would then counteract the evil effects of them to a very great extent.

7608. Would you have any rule as to the value or size of the houses to be licensed?—I would have the licence given to a respectable person in a respectable locality.

7609. Are there many licensed houses in the city at present of a very small size?—I understand there are.

7610. In speaking of these, could you give us an idea of the rent of a shop which you would call a small shop?—There was a parliamentary return obtained by *Mr Barclay* some years ago, and from it will be seen that Aberdeen has some 60 or 70 shops of a very small rental indeed.

7611. *Mr Campbell Swinton*.—What do you mean by small?—I mean under or about £10.

7612. *The Chairman*.—Would it tend to diminish the chances of drinking if the grocer could not sell liquor except in sealed bottles?—I am afraid that the chances for evasions of the law which already exist would be much greater then. An enormous staff of men would be required to carry out such a provision.

7613. Are any houses licensed now of so low a value as £10 per annum?—I do not think new licences are given for any such houses now.

7614. *Mr Ferguson*.—Are you aware of any evil arising from working people's wives getting spirits home from their grocer's, and having them entered in their accounts?—No doubt, that does prevail to a certain extent, but I cannot speak personally in regard to that.

7615. What you have chiefly against the licensed grocers is breaches of the law by drinking on the premises?—That is so.

7616. And breaches of the law in respect of drinking beyond legal hours?—Yes; and this is one thing upon which I wish some amendment of the law. The grocer can open his licensed premises for the sale of groceries at any hour, excepting on Sundays. Now, you can perceive that it would require two policemen to watch every shop door before evasions of the law could be strictly prevented.

7617. *Mr Campbell Swinton*.—Do any of them open in Aberdeen before 8 o'clock?—Yes.

7618. *The Chairman*.—Have you not succeeded in keeping much better order in grocers' shops of late years than formerly?—Yes.

7619. Alongside of that, as we have been told, has there not been a great number of shebeens?—There were only seven convictions of shebeens last year.

7620. Do you think there were a great many more not detected?—Yes.

7621. Do you know that a great deal of that goes on?—Yes.

7622. Do you think that, with a tighter hand on the licensed houses, more unlicensed houses, or houses for illegal drinking, would spring up?—I do not think it, because it is not in the hours during which the licensed houses are open that we get convictions against the unlicensed ones.

7623. But with a strict closing of the publichouses and grocers' shops on Sunday, is it not the case that people get quantities of spirits to be retailed elsewhere on Sunday and late at night during the week?—I really cannot say that there has been any increase in that during the last nine years.

7624. *Sheriff Crichton*.—Is it the smaller grocers who open before 8 o'clock?—Yes.

7625. Do all the smaller grocers open before that hour?—Yes; at least a good number.

7626. Do any of the high-class grocers open before 8 o'clock?—None.

7627. *The Chairman*.—I suppose there is the greatest difference between the mode in which respectable family grocers conduct their business and the mode in which the class you have been speaking to conduct theirs?—Yes.

7628. *Mr Ferguson*.—Do you know of many people going to grocers for drink in the way you have mentioned who would not like to be seen going into publichouses?—Yes, there are a good number who would not like to be seen going into a publichouse.

7629. *Mr Campbell Swinton*.—If the licence were taken from the grocers the class who would not like to be seen going to the publichouse—supposing there is such a thing as a legitimate desire to have a small quantity of drink—would then be driven to the publichouse, would they not?—No; they can go to a respectable hotel to be supplied.

7630. *The Chairman*.—Have you anything else to suggest?—No.

284. Mr JOHN RICHARDSON, Inspector of Police, Peterhead, examined.

7631. *The Chairman*.—You have both the town and district of Peterhead to look after, have you not?—Yes.

7632. In the town of Peterhead itself are there many licensed houses?—Yes. A return has been given in by Major Ross for the whole county. I have very little to say in regard to that. In the town and parish of Peterhead we have 5 inns, 23 publichouses, 29 grocers and spirit licences, and 1 porter and ale licence. There are 7 publichouses which sell porter and ale only.

7633. What is the population which these houses serve?—Between 10,000 and 11,000. We have only 6 licensed places, including inns and hotels, out of the burgh—that is including the landward part of the parish.

7634. Do you know whether the porter and ale licences were granted on application for general licences?—The most of them were. The parties applied for a general licence to sell spirits, porter, and ale.

7635. Do you agree generally in the evidence given by the chief constable?—Yes, I entirely concur with his statements.

7636. With regard to evasions of the law by grocers, are they frequent in your district?—Yes, in grocers' shops.

7637. Have you reason to suspect any grocers?—I have reason to suspect a number of them.

7638. Would you say the half of them?—Yes, I think I would put as many as the half in that category.

7639. Is that chiefly in respect of drinking on the premises?—Yes.

7640. Do you find it impossible to detect that?—I have great difficulty in detecting it.

7641. Yet you know, do you, that it goes on?—Perfectly well.

7642. Is it chiefly drinking on the premises in the daytime, and not at night or on Sundays, which you suspect?—It is not on Sundays that they do it. I have no cases of drinking on Sundays. It is during the daytime that the drinking goes on.

7643. In fact the shops to which you refer are just so many additional publichouses, are they?—Yes. I only refer to a certain class of houses. No such thing as the drinking I have described goes on in the higher rented class of houses—that is, in the larger shops.

7644. *Mr Ferguson*.—But though these are not so bad as the others you have mentioned, are they altogether free of the offence?—Some are entirely free. I can vouch for some of them both in the town and in the country.

7645. But there are not many of these, are there?—There are very few but what do this less or more.

7646. *The Chairman*.—Do you think there are any powers which could be given to enable you to put down illegal drinking as long as the grocers hold licences?—If they were restricted in the same way as publichouses we would have more power over them; still we would be unable to sweep the drinking away altogether.

7647. By saying 'if they were restricted in the same way,' what is it precisely that you mean?—If the hours were restricted I think it would be an improvement.

7648. Even if they were restricted in the same way as the publicans they would be at liberty to open from 8 in the morning?—Yes; but I would have them put under the same supervision as the publichouses as well.

7649. That is to say if you had the right to enter the grocers' shops at all times you think you would have more power over them?—Yes. Then I would also modify the hours.

7650. But if you or any of your officers in uniform were to enter the grocers' shops to see if drinking was going on, do you think the grocers would not take care to have all signs removed?—A policeman has no chance of detecting an offence if he is in uniform.

7651. Would you have to do it all in plain clothes?—Yes; and in a small place the constables in plain clothes would very soon be known. As long as the present system operates the constable would never get in time to detect the offence owing to the barricades which have been put up in the grocers' shops.

7652. Then do you think that almost no powers given to the police would be sufficient to prevent the evil?—The grocers at present have generally a spy watching at each corner to give the alarm if a constable puts in an appearance. I have found that by experience to be the case.

7653. Do you think that the power of entry in any way and at any time would not help you much?—It would in many instances assist us. At present a policeman will not enter a house unless he has good reason to suspect that there is something illegal going on. If the powers I have mentioned were given to him he would consider it a part of his duty to go in at any time and inspect the houses, and in this way his going in would not be thought so much of as it is at present. But in any case a policeman looks foolish going in searching for a party who is not found there. It is a very disagreeable duty he has to perform.

7654. But in any case would the grocer not have a spy on the look-out?—The grocers might have spies; still the constables would have more chance to detect offences if they had the same power given to them as

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John

Richardson.

ADAMSON. has been given in the case of publichouses. Then I would suggest that the premises should be larger, and, entirely clear of barricades, so that the public generally could see what was being done inside.

John Richardson.

7655. Are there many houses which have the windows obscured?—Yes.

7656. Owing to the barricades put up it is impossible for you to see in from the outside, is it not?—Yes. They are barricaded with boxes, and the doors and windows have things put upon them in such a way that a person cannot see inside. That, at least, is the case in a great many of the shops.

7657. *Mr Ferguson.*—Do you know cases of workmen's wives getting whisky or spirits of any kind from the grocers and having them entered in their accounts under other names unknown to their husbands?—I never knew of them myself, and to make myself sure on the subject I made inquiries amongst some people who had been long in the trade—people I considered respectable and honest-dealing men—and they told me they never had been asked to enter as goods spirits which had been supplied.

7658. *The Chairman.*—We have found that a large number in the trade would not think of such a thing, but according to what you say you have not heard of that being done in your district at all?—No, I don't think it is carried on in my district.

7659. *Mr Ferguson.*—Have you observed people going into a grocer's shop who would not like to be seen going into a publichouse?—I don't think it is on account of that that they prefer going to a publichouse. Numbers have told me that they get better spirits in the grocers. They are not ashamed of saying that they have been there, but they say that they get a better kind of spirits there than in the publichouse.

7660. *Mr Campbell Swinton.*—The general tenor of your belief is that the only effectual cure is the separation of the trades, is it not?—If they are allowed to have drinking on their premises at all give them additional powers for it.

7661. That is, make the grocers publichouses or separate the two trades?—I have already stated what my recommendations are. I know men who are conducting a good family grocery business respectably, and who would not think of breaking the law. To put the licences into such hands would give us no trouble. But then such parties do not depend altogether on the sale of spirits for their business. The small shops, on the other hand, exist principally from the sale of spirits. They have little else to support them.

7662. Therefore you would not allow them to have the licence, would you?—No. They are the class which commit the offences.

7663. In that way you make a distinction. You would allow a large business man to be licensed, but not a man with a small business?—That is just where the difficulty is. I have stated my experience on the subject.

7664. Do you think that any evils would follow from abolishing the grocer's licence or disassociating the two trades?—That puts the people into the publichouse, and in that way it is just shifting them from the one house to the other.

7665. *Mr Ferguson.*—You have better supervision, have you not, over the publichouses?—Yes; and that is what I ask for in the case of grocers' shops. Let us have the same supervision, and then I think we would have a much better state of things. I think even two or three years would make a great change, especially if the licences were changed from the lower class of houses to places where better accommodation was provided. Then I think it would be well that some paid official should be appointed to inspect and report upon premises before licences were granted. There is not enough of such inspection at present.

7666. *The Chairman.*—Have not the police an opportunity of telling the justices about the accommodation?—The police are not the parties for inspecting and reporting upon premises. A justice of the peace generally looks at such premises.

285. *Mr. JOHN HENDER, Inspector of Police, Fraserburgh,* examined.

7667. *The Chairman.*—What is the population of your district—I mean the town and parish of Fraserburgh?—Between 6000 and 7000.

7668. What is the number of licensed houses?—There are 6 hotels, 4 publichouses, 13 licensed grocers, and 2 breweries which have retail licences.

7669. Are the grocers' shops of various sizes?—They are.

7670. And some have large businesses and some small?—Yes.

7671. Are they well or ill conducted as a whole?—Generally pretty well conducted.

7672. In any of them have you reason to believe that illegal drinking goes on?—Yes.

7673. In the case of how many?—About a half, I should say.

7674. Do you mean that drinking on the premises goes on in these?—Yes.

7675. Does it go on frequently?—Pretty frequently.

7676. Do you find you cannot detect such illegal drinking?—In many cases I cannot.

7677. Have you had many convictions for illegal drinking?—Yes. I have had two within the last twelve months. These were publicans, not grocers.

7678. Do you find that you can check that illegal drinking?—In a great measure we cannot.

7679. Have you tried to get at it with a view to stopping it?—Yes.

7680. What happens when your officers try to find out what goes on in these shops?—There are generally barricades obscuring the back-shops, or obscuring places to which the parties who consume the drink retire and take the liquor. When a policeman enters, before he gets the length of these places the utensils are generally all out of the way.

7681. Have you reason to believe that these parties keep a watch?—In many cases they do.

7682. What would be the rental of some of the houses where this illegal drinking goes on?—From £15 to £30.

7683. Are any of the large houses conducted in that manner?—We have suspected some of them too. There is some suspicion of the large as well as the small houses.

7684. Why do you think that men go to drink in these shops when they have publichouses handy to them, in which they can drink without interruption?—Plenty of the people go to the grocer's to make the public believe that they go for something else. Another reason is that they get drink cheaper in the grocers' shops generally than in the publichouses.

7685. Do they also get better drink in the grocers'?—I don't know as to that.

7686. Are the people who resort to the grocers' shops for the purpose of drinking there a different class from those who go to the publichouses?—Some of the publichouse goers also go to the grocers' shops.

7687. Can you account for them taking the trouble to drink in concealment in the grocers' shops by the fact that some of them do not want to be known to be drinking?—Yes.

7688. Is that your belief?—Yes.

7689. Do you concur generally in what the chief-constable told us?—Yes.

7690. Your concurrence is founded on your own observation as far as your own district goes, is it?—Yes. I would suggest in addition that all side or back doors in grocers' shops should be shut up, because parties who go to the grocer's shops to drink sometimes make their exit by these back or side doors when the policeman comes in, and he finds nobody there when he has good reason to believe that they were there.

7691. Suppose back doors were not allowed, that the premises were open and not obscured, and that the police had the same right of entry into them as into publichouses, do you think you could put down illegal drinking in grocers' shops?—We would at all events have more power and a better chance of doing it, because

by all these means we would be enabled to see what was going on inside.

7692. Might not your coming still be watched, however?—Yes; but probably we would occasionally have an opportunity of detecting them.

7693. And if the punishment was made severe the offenders would be deterred in the future, would they not?—Yes. I would also suggest that the grocers should be restricted to the same hours as the publicans.

7694. Do any of your grocers keep open later than 11 o'clock?—Some of them do.

7695. *Mr Campbell Swinton*.—Do you think the suggestions you have made would be sufficient to remedy the evil?—I do not know; at all events they would afford means for preventing contraventions of the law.

7696. What do you think would be sufficient to insure the observance of the law?—That is the difficulty. Perhaps if you sweep the licences from the grocers altogether you might provide a sufficient remedy.

7697. Would you see any evil results from such a course being adopted?—I do not think so.

7698. Do you not think it would lead to more drinking by driving people to the publichouses?—A great number go to grocers' shops who would not go to publichouses.

7699. Then they would not take drink at all, would they?—I suggest this as a preventive.

7700. *The Chairman*.—Have you heard of women learning to drink through beginning at the grocers' shops?—I have known several instances of that. My experience in that matter was at Woodside and Old Aberdeen. Women who commenced to drink at the grocers' latterly went to the publichouses.

7701. *Mr Ferguson*.—What is the population of Fraserburgh during the herring season?—We have then a population of from 14,000 to 16,000.

7702. *The Chairman*.—In that season are the houses well patronised?—Yes.

7703. *Mr Ferguson*.—Do the fishers go to the publichouses or the grocers' shops?—To both. A great number of them go to the grocers' shops because at these shops they get all they require and pay their accounts at the end of the fishing season. A great number of cases have come under my notice of persons being apprehended and books being found in their pockets in which was entered 'aqua' and a sum put opposite. On asking the question they generally answered that this was for whisky, porter, or ale.

7704. *The Chairman*.—Have you known it to be put down under the name 'sundries' or 'goods'?—I have not taken particular notice of that. I always noticed 'aqua.'

7705. Why did they enter it as 'aqua,' and not as whisky?—I do not know.

286. Mr ROBERT TINDAL, junior, Iron- } examined.
monger, Fraserburgh,

7706. *The Chairman*.—Are you one of the magistrates of Fraserburgh?—I am.

7707. Have you prepared a statement of your views of the subject of our inquiry?—I wish to bring under the notice of the Commission the condition of some of the fishing villages on the Aberdeenshire coast, for the purpose of showing not only that licensed houses, whether publichouses or grocers, may be, if not entirely dispensed with, at least greatly reduced, but that if withdrawn their withdrawal would prove a very great advantage to the community. I select the fishing population, because that if any class more than another requires stimulants in the shape of spirits it may be supposed to be that class. One of those villages with which I am well acquainted has a population of between 700 and 800, probably the latter number. About twelve or fifteen years ago there were two licensed houses in the village. Like most other villages, at that time intemperance prevailed there to a great extent, but some ten years ago the last of those licences were withdrawn.

Since that time the prosperity and comfort of the community have largely increased. There is now no licensed house of any kind in the village. The nearest licensed house, a licensed grocer, is nearly 2 miles distant, or say 1½ miles. There is not a single pauper in the village, with the exception of a lunatic in the Aberdeen Asylum,—in short, the village occupies the enviable position of being without poor-rates, paupers, or policemen. Take another fishing village by way of contrast, some five miles distant from the former, and with which I am also well acquainted. It has a population of 450. Within a distance a little over a quarter of a mile there are 10 to 12 licensed grocers. Here you find matters very much the reverse of what they are in the former place. With a population of little over one-half there are 17 paupers, or 4 per cent. of the population, in the receipt of parochial relief. It were easy to draw conclusions, but I leave the statement for the consideration of the gentlemen of the Commission.

7708. What was the name of the village you mentioned first?—St Combs.

7709. And of the second?—Broadsea. It would be easy for me to amplify this statement by quoting other villages, and to draw conclusions from that; but I leave the statement as I give it for the consideration of the Commissioners.

7710. Is the condition of the population in the two villages the same? What, for instance, are their means of livelihood?—They are exactly the same in all respects, excepting the licensed houses being contiguous to the one and not to the other.

7711. At St Combs is the population a fishing population?—Entirely.

7712. And did the men learn to do without spirits when they went to sea?—Yes.

7713. They do not at all events get any?—They don't want them.

7714. *Mr Ferguson*.—Can you tell the Commission whether some years ago it was the habit to carry out whisky to sea?—It was.

7715. What is the custom now?—They don't generally do so. Several may do so still, but the majority do not.

7716. Some years ago, especially in the herring-fishing season, was not part of the pay given in spirits?—Yes.

7717. Is that the case now?—No.

7718. *Sheriff Crichton*.—With regard to St Combs, you said there was no licensed house within 1½ miles?—I did.

7719. Does no inconvenience arise from that?—No.

7720. *Mr Ferguson*.—To whom does the licensed house belong?—To Mr Lawrence, a licensed grocer.

7721. *Sheriff Crichton*.—Has there been any complaint of the want of a licensed house nearer?—Quite the reverse.

7722. *The Chairman*.—What are the habits of the people in Fraserburgh, where they have a good many licensed houses?—I am sorry to say that, as far as grocers' licensed houses are concerned, there is a very great amount of consumption on the premises.

7723. Are you troubled with much drunkenness in Fraserburgh?—I fancy that in that respect we are much like other places.

7724. Do the fishing population drink much?—A large proportion of them are temperate people.

7725. And that in spite of the licensed houses?—Yes.

7726. You say that in your belief, perhaps in your knowledge, there are many of the licensed grocers who allow drink to be consumed on the premises?—Nearly the whole of them.

7727. How do you know that that is the case?—I have been told so by parties who are in the habit of frequenting them.

7728. Are the people who frequent these shops for the purpose of drinking on the premises a different class of people from those who frequent the publichouses?—Partly; that is, there are parties who go to the publichouses and to the grocers' shops too, and there are some who go to the grocers' shops only.

7729. My reason for asking you that question is that it seems a little surprising that people who want spirits,

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7730. In your letter to us you spoke of the facilities afforded by licensed grocers' shops for families procuring drink. For instance, you mentioned the wives of working men as having these facilities through drink being sold along with groceries; and you said that had led to a great amount of drinking among that class of the community. What can you say upon that point?—That remark applies to the question generally, and not so much to our locality in particular. I don't think that in such small towns as Fraserburgh there is a great amount of that sort of thing. There certainly is some, but not a great deal of it.

7731. When you say what I have repeated, you do not speak of cases within your own knowledge?—No.

7732. You also say that the great profit on spirits enables licensed grocers to undersell their neighbours in the trade who don't deal in spirits. Is it in your knowledge that the prices of any kind of groceries at the licensed shops are lower than the prices of the same articles at unlicensed grocers?—I have been told by licensed grocers in the trade that they would very gladly be rid of the licence so far as their own comfort and their own views were concerned, were it not for the difficulty of obtaining a livelihood from the legitimate sale of groceries. They said that the difficulty arose through the extra profits on spirits causing groceries to be sold at unremunerative prices.

7733. Then, to put it shortly, the possession of the licence has over-stocked the trade, has it?—Yes. It creates an unjust monopoly, in my opinion.

7734. I understand that you advocate a separation of the grocery from the liquor trade as the only real cure?—Yes.

7735. Where do you think people would go for their drink who desired to have a quantity of it for legitimate purposes in their own houses? Do you think they should be made to go to the publichouses for it?—In the first place I don't conceive it necessary to provide for a want that I don't feel or acknowledge.

7736. Do you not think it necessary to provide for those who do feel the want?—In answer to that, I would say that there may be some hardship looking at the question in that view; but the advantages on the other hand to be gained from the separation of the licences would be immense as compared with the disadvantages of the present system.

7737. You desire to limit the liquor traffic as far as possible: is not that your general view?—Yes. I think that as you lessen the facilities for, and temptations to, drinking you lessen the results in proportion.

7738. Have you any other statement to make?—One thing has occurred to me in the course of the examination of the previous witness—the superintendent from Fraserburgh—with reference to the difficulty of obtaining convictions for evasion of the law. It is acknowledged on all hands to be a most difficult thing to obtain evidence of a contravention. It is want of evidence that causes the miscarriage of complaints and the failures in obtaining convictions. Now, I find that during the last ten years there have in Fraserburgh been ten complaints for breaches of grocers' licences. In the same period there have been six convictions. During the last seven years—seven of the ten years just mentioned—there were only two complaints and two convictions. Thus the other four convictions were during the first three years of the period of ten years. My explanation of that is the difficulty of obtaining evidence to convict. I wish to say that, so far as I know, our police have done their duty in this respect. They have, however, got discouraged. They have so often failed in getting convictions, and there is

such a difficulty in obtaining evidence, that they have lost heart as it were, and the result which I have given in figures has come about. Although the law is in my opinion as constantly broken as ever, and perhaps more so, yet the complaints and convictions have been fewer.

7739. *Mr Ferguson*.—You are one of the licensing justices, are you not?—Yes.

7740. What is the practice of the justices in your neighbourhood in regard to licensing. Do they grant new licences freely?—Although the justices in the Deer district don't wish to increase the number of the licences yet they don't see their way to make any reduction. As a rule they don't wish to increase them. There has been a good deal of effort on the part of the population of Fraserburgh generally (I don't allude to temperance people alone, but to the public) in the way of memorialising the justices to prevent an increase of licences. These applications have been generally attended to.

(See also App. D, p. 497.)

287. *Mr WILLIAM MOIR*, } Licensed Grocers, Montrose,
288. *Mr CHARLES DURIE*, } examined.

7741.—*The Chairman*.—Have you, *Mr Durie*, any statement to make?—*Mr Durie*.—I may state that the list of questions before me was sent down to us by the Licensed Grocers' Association of Edinburgh, who stated that we would have these to lay before you, and answer any other questions.

7742. I fear we can only have your own statement.—The answers would be rather incoherent without the questions, but I shall make the best statement I can. I have held a licence for 28 years. I have never supplied liquors of any description to the wives of artisans or others and marked them in their pass-books as tea, sugar, soap, or any other commodity. I have not marked them down as groceries for the evasion of the Tippling Act. I have not been asked to mark them down as anything else. My experience leads me to believe that drunkenness is on the decrease, more especially amongst respectable artisans. My experience does not lead me to believe that intemperance is increasing amongst the better class of females. Certainly it would not be facilitated by the grocer's licence. The majority of my sales are in less quantities than a quart or a pint bottle. For medicinal purposes the greater quantity has been in gills, half gills, and two gills.

7743. How are these quantities sold?—In small flasks.

7744. Are the flasks your property?—No; they are the property of the customers. I consider that the Forbes M'Kenzie Act is generally well obeyed. From my frequent calls among the smaller grocers I have a good opportunity of observing how they conduct their business. Previous to the passing of the Forbes M'Kenzie Act, it was my experience that the consumption of spirits in the grocers' shops was detrimental to their general trade.

7745. Consequently when the Forbes M'Kenzie Act was brought forward the grocers were in favour of their not being allowed to sell liquor to be consumed on the premises?—Yes; previous to that time they were not prohibited from doing that.

7746. And they were in favour of prohibition, were they?—The general grocery trade was averse to selling for consumption on the premises. They found it injurious to their general business. It was looked upon as being of a lower description of business than the general grocery trade. I consider that the proposed restriction to less than a quart bottle would have a tendency to drive parties to the public-house and an injurious effect on the working classes. So far as my knowledge and observation lead me to believe, I do not think that drinking in backshops is

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generally carried on in Montrose. I consider it would be injurious to the trade and the community if the two trades were separated. I consider that the present law, if properly carried out, is sufficient to regulate the trade.

7747. How can the present law be enforced if the licensed grocer chooses to allow drinking in his shop? —By detection by the police. They are under their control.

7748. You don't think that drinking on the premises can go on without the police being able to see it?—No. I think that instead of having a fixed or definite rental, as has been proposed, a fixed licence should be adopted. There are licences at 4 and 5 guineas up to 13 guineas. If a fixed licence of 10 guineas were adopted, I think it would be preferable to having a fixed rent. A rent that would be considered fair in one town would not be suitable for another; and the same might be said with regard to different situations in the same town.

7749. How would the enactment of a fixed licence duty operate beneficially?—When a person has something considerable to pay, he is the more careful what he has to pay for; and it would have a tendency to lead a respectable class of people into the business.

7750. And it would keep the very small grocers out?—Yes. Those possessed of little or no means would risk more in violating the law to make a living.

7751. If you think the police can detect cases of evasion, you would not be in favour of their having any greater right of entrance?—Until this inquiry commenced, I myself and the grocers of Montrose understood that the police had the same facilities for entering grocers' shops as for entering publichouses. We did not know that they could not come into our shops at any time they chose.

7752. Have you been acting on that belief?—Yes, we have all been. We would be glad to see the hours shortened say from 8 to 8—say to 9 o'clock on Saturday night. That is the opinion of the trade in the town generally.

7753. Would you hold that opinion even supposing publichouses continued to remain open till 11 o'clock?—I would restrict the publichouses to sale for consumption on the premises only. And for this reason: If the grocers shut at 8 o'clock and the publichouses were still at liberty to sell for consumption off the premises, the shortening of our hours would have no beneficial effect.

7754. *Mr Campbell Swinton.*—Independently of that, you would not allow the publican to sell for consumption off the premises?—No. If the one is prohibited from selling for consumption on the premises, I think the other should be prohibited from selling for consumption off the premises.

7755. *The Chairman.*—We must remember that the one is supposed to live by the sale of liquors alone, while the other has groceries as a part of his business?—It takes both groceries and liquors to make a living.

7756. You are allowed to sell both while the publican is only allowed to sell liquors?—Yes, but we are not allowed to sell liquors or provisions for consumption on the premises, and the publicans are. Another observation which has occurred to me is that with regard to side-doors the great bulk of the goods of all the members of the trade in Montrose is brought in by side-doors, which are used for no other purpose whatever. If an Act were brought in closing our side-doors, it would, in the case of a great majority of the shops in town, close both side and front doors. I must also make a remark on the separation of the shops from the dwelling-houses. In Montrose a good many of the properties in which the shops are situated belong to the occupants of the shops—perhaps two or three flats above belong to him—and it would be a disadvantage to the grocer, after buying and erecting premises and laying out £2000 or £3000 on them, to be prohibited from dwelling in the house.

7757. Do you, Mr Moir, concur in what Mr Durie has said?—Mr Moir—Generally I do. I may mention that I have had a licence for 30 years. To my know-

ledge or recollection I never made false entries. I was only once asked to make a false entry. I concur in what Mr Durie said about the shortening of the hours. We have already adopted that in Montrose. We shut at 8 every evening, and on Saturdays at 10. I think the Forbes M'Kenzie Act has done a great deal for the trade and the community. In so far as it is fairly worked, and carefully attended to, the spirit of the Act has done a great deal of good. If a little more power were given to the officers of the law to take the necessary supervision over grocers' licences, I think that Act would be quite sufficient for every practicable purpose. I think the great hue-and-cry against grocers' licences has arisen from a certain class in the trade. I think that if this class were to be strictly watched, and it were made imperative that their licence should be lost on the terms of it being violated, the evil would cure itself, and ultimately there would be left in the business only those who really observed the law. Then we would not all be blamed as black sheep for the sake of one or two.

7758. Is it your belief that there is no evasion of the law by the trade in Montrose in respect of selling for consumption on the premises?—I would not go that length. I would, however, say that generally, so far as I know, in Montrose the law is kept. I could myself, perhaps, point out some suspected places; but I could not say that I know as a fact that drinking goes on there.

7759. But you don't come here to deny that it is done?—I do not; but it is not done as a rule, nor is it done among the respectable class.

7760. The superintendent of police reports that there is constant evasion of the law, and great difficulty of detection?—He must refer to a very limited number of houses; or if he has so much material to work upon, why does he not bring forward a case.

7761. He says it is almost impossible to detect it, and so the police say everywhere. They say that they are watched, and that their coming is known long before they come, and that when they get in everything looks as innocent as possible. Of course, that is not said about places like your own, but you come here to speak for the trade?—Generally speaking, we do.

7762. You do not undertake to answer for houses of a low class, do you?—I would not say that it is not my impression that the law is violated by a certain class; it is my impression.

7763. But you think that if it were kept in respectable hands we should not hear so much of these breaches?—That is just the cure.

289. Mr ANGUS STUART, Superintendent of Police, *Angus Stuart*
Brechin, examined.

7764. *The Chairman.*—You have been 20 years in the police force, have you not?—Within a month of that period.

7765. 12 of those years have been spent in Brechin?—Fully 12 years.

7766. Where were you before?—In Montrose.

7767. How many licenced houses have you in Brechin?—There are 13 hotels, 13 publichouses, 16 licenced grocers' shops, and 3 porter and ale retail shops. This is the first year the magistrates have had anything to do with small beer and table beer licences, and there are 6 of them.

7768. What is the population?—7933.

7769. Has the number of licences been reduced, comparing this year with 1872?—There have been few reductions, and as few additions. They are therefore nearly the same.

7770. Have most of the grocers got licences?—Yes. In fact, there is only one grocer's shop in Brechin of any note without a licence. To be placed against that there are co-operative stores which have no licences—the Brechin Equitable and the Brechin United.

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7771. Have you had any convictions against licenced grocers?—I have had none for the past 7 years.

7772. Do you think the law is generally observed by the licenced grocers?—The law is generally observed in Brechin.

7773. Are there exceptions to that rule?—I could not positively speak as to that. There are places against whom I have some suspicion, and against whom the officers under my charge have suspicion.

7774. They have not been able to detect drinking on the premises, have they?—No, because it is a very difficult matter.

7775. In answer to our printed questions you have given a very strong opinion on the effects of grocers' licences in promoting drinking. Is it within your knowledge that women to a great extent procure drink in a surreptitious way from the grocers, who would not be seen to enter a publichouse?—I do not think there are such cases in any great numbers in Brechin. In a small place where in a manner everybody is known, people would go to the grocer's shop for drink before they would go to the publichouse.

7776. Has this practice gone to a great extent in Brechin—the practice of women going to grocer's shops and procuring liquor?—I don't know any case.

7777. But you say in your written answers that there are many, especially wives, who do so?—Yes, I adhere to that; but it is my opinion that if the grocers' shops were shut against those who go there for drink at present, they would go to the publichouse.

7778. You say that, 'The convenient way in which small glass bottles can be procured has tended to increase drinking in private houses, and also out of doors after lawful hours; in my official capacity I have seldom had a drunk and incapable to deal with who has not had one or more of these bottles on his or her person.'—That is quite the fact.

7779. You also say, 'Any evil effects of drinking on the Sabbath day is traceable to this source of supply. Any attempt to evade the law by selling out of hours and on the Sabbath day is seldom made or required for the same reason?'—I adhere to that statement.

7780. 'The pernicious effects of the glass bottles above referred to are very evident amongst the young, unmarried ploughman class, a great many of whom visit the burgh, especially on Saturday nights, and many of whom do not leave until Sunday morning, and who never fail to carry away one or two of these bottles full of whisky or other excisable liquors?'—I know that to be the fact also.

7781. You don't think it would be an advantage to prohibit the licensed grocer from selling less than a pint or a quart?—I do not; so long, at all events, as the publican is at liberty to sell any quantity he chooses.

7782. Have you anything else to add?—I have very little further to say. The longer I have looked at the trade the more clearly I have seen that it is a puzzle to every one who thinks about it, and who seeks to deal with it.

7783. *Mr Ferguson.*—Do you think a complete separation of the two trades would be an advisable thing?—In the present state of matters I don't think so. I do not scruple to say that I do not see any good that would result from lopping off a license now and again as opportunity occurred, because any quantity can be got at the publichouse by any person who wants it.

7784. *Mr Campbell Swinton.*—But there is not the same temptation, is there, to go and get drink at a publichouse as to purchase it at the shop where you get your groceries?—A witness from Fraserburgh was asked by the Chairman how he could account for the fact of a party, who did not care whether he was seen or not, taking the trouble to go and drink in concealment at the grocer's shop. His answer was that there was a sort of excitement or something else in connection with the evasion of the law. I have another explanation to give, and it is this: the whisky is cheaper. I know for a fact that it is a little cheaper, and that the opinion is prevalent that it is also better.

7785. But neither of these circumstances would continue if the publicans alone had the power of

selling, because they would be obliged to get good whisky to satisfy their customers?—It is difficult to distinguish between good and bad whisky. I don't think it would lessen drinking much so long as the publican was allowed to sell for consumption off the premises. Suppose a man were to go and get a gill of whisky for use in his own house, and that he could not get it at the grocer's, he would go to the publican's, and perhaps meet a friend there, and the result would be that there would sometimes be four gills consumed; and a companionship formed in a publichouse is not the most desirable.

290. *Mr ROBERT MILNE WALKER*, Depute-Clerk of the Peace for the county of Aberdeen, examined.

7786. *The Chairman.*—We have already received information as to the number of licences. Have many cases of breaches of certificate been brought before the justice of peace courts?—I should mention that I only came to Aberdeen three months ago. I did not know till a few minutes ago that I was to be here speaking to the schedules which I now produce. I can speak to little more than the figures before me, which contain the numbers of licences, and the various kinds of licences granted in the various districts of the county, showing the total numbers for the county in various years.

7787. Perhaps the best thing for you to do would be to put in these statements?—Yes, I shall put them in. There is no table of convictions.

7788. *Sheriff Crichton.*—Does your statement comprise only the licences granted for the various districts of the county?—Yes.

7789. Extending back how far?—One class of figures extends back to 1854, and another to 1862.

7790. *The Chairman.*—You have not had much practice, have you, in the justice of peace court in Aberdeenshire?—No.

7791. Have you had in another county?—Not in the justice of peace court, but I have had practice in the sheriff courts of Stirlingshire for many years.

7792. Can you say whether in Stirlingshire there have been many cases in the small debt court of grocers suing workmen for accounts?—Yes, that is a very common class of cases.

7793. In the accounts which came under your notice were there charges for liquors?—It was not often entered in the shape of liquor. Questions have frequently arisen as to what was meant by such entries as 'To goods.' It came out in evidence, and it was indeed generally admitted, that such and similar entries meant drink.

7794. Did the Sheriff disallow these items?—Always.

7795. It was not disputed by the creditor, was it, that that was the meaning of the entries?—Not often; it was generally admitted, although I have seen questions arise about some particular items.

7796. Why was it customary to enter it as 'goods,' instead of as the articles which those entries represented?—I have heard women who appeared for their husbands on these occasions confess not only that their husbands did not know that they were being sued for this account, but that those entries were made to prevent the husband knowing, if they should come upon the accounts, that they had got spirits.

7797. Can you say that such people belonged to one district of the county more than to another—to the mining districts for instance?—I should not wonder but there might be a preponderance of such cases from Denny and Kilsyth, which are purely mining districts.

7798. But do you think that is the case?—Yes. There was not the same number of such cases from Bannockburn and Cambusbarron, the manufacturing districts.

7799. *Sheriff Crichton.*—Did cases of that sort continue to be presented up till recently?—I have found them in Aberdeen. I saw a case the other day.

291. Mr ALEXANDER WEIR, Chief-Constable of the County of Kincardine, examined.

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7800. *The Chairman*.—Can you give us the number of licences held in your county?—23 hotels, 30 public houses, and 27 licensed grocers.

7801. What is the population of the county?—34,651.

7802. Have grocers' licences been freely granted by your justices?—Some years ago they were. They were increased about 10 years ago. At the present time we have 27, and I don't think we ever at any time exceeded 30 in one year.

7803. At the present time, are the justices more reluctant to grant licences than they were?—There have been no new licences for some years.

7804. Have there been any applications?—Occasionally.

7805. Have these been refused?—Yes.

7806. Is it your experience that the grocers' licences have been well used or otherwise?—I believe that, in a general sense, they have been well used, although I cannot say that the grocers have always conformed to the regulations as to selling to be consumed off the premises.

7807. Do you think there has been a good deal of drinking on the premises?—Yes; there has been a little evasion of the law in that respect.

7808. And in a large number of cases?—Yes. I believe there are very few who are altogether perfect in that respect.

7809. Is it difficult for your officers to detect such offences?—Very.

7810. Is it practically impossible?—Not altogether, for we have had some convictions; but it is very difficult.

7811. Do you think that the fact of the liquor being sold along with the provisions has a bad effect?—No; I don't think it has.

7812. You don't think that people, finding it alongside groceries, are led to drink?—No; that is not the case, so far as my experience goes.

7813. Do you think it is a convenience to many people to have it at the grocers'?—It is, to families and farmers.

7814. *Mr Campbell Swinton*.—You were examined before a Commission similar to this, and went the length of saying you did not think it was practicable to separate the two trades. Do you still adhere to that opinion?—It is practicable, certainly; but, generally, the grocers in the country districts are very small, and they have other businesses along with groceries; otherwise, their trade would scarcely pay. They have either crofts, or small pendicles of land, or other businesses to make it pay.

7815. You think it is necessary for the convenience of the working classes that that class of dealers should exist; but, in order to make their business pay, you would give them the spirit licence?—I would not say it should be given in all cases, because you might in that way multiply the grocers' shops to a greater degree than would be proper for the morals of the inhabitants.

7816. Is there any hardship in giving the licence to some, and refusing it to others?—There might be in some cases. Many of the grocers in the towns would not take the licence: some of them have told me so themselves.

7817. You are not prepared to separate the trades, are you?—No; I cannot advocate the separation of them.

7818. *The Chairman*.—If a grocer's business in a small place would hardly pay without the licence, does not that induce him to encourage customers to have some whisky, because it is profitable to him?—I was speaking of a grocer without a licence at all.

7819. You say he requires another business to help him to make it pay?—Yes.

7820. Now, where a grocer in a small place has a licence, is it an inducement to him to induce people to have some whisky?—No.

7821. I mean when they go in for other things?—I am aware that many of the grocers who practice selling and consuming on the premises would gladly get quit of doing that if they could; but they are tied up with a number of customers of whom they cannot get quit—parties coming in for bargains, who will not take a refusal.

7822. *Mr Campbell Swinton*.—Some would rather not have the licence?—Some would.

7823. If it was necessary for them to combine some other trade to enable them to make a livelihood, could they not combine something else than spirit-selling?—Perhaps they might. When I have accused some of them of evading the law, they have told me they could not get quit of some customers they had.

7824. Is there anything else you think it right to mention?—I wish to mention some evidence which was given about the Cove, a part of the county of Kincardine. There was some reverend gentleman who gave it a very bad character. Now, I don't say it is better, but I don't think it is worse than other places similarly situated. If that gentleman's evidence was correct, I think he was very much to blame in not giving information—if he had no confidence in me, at least to some of the justices of the peace—so that what he complained of might have been stopped at the time. To bottle it up for 10 or 12 years, and then to blurt it out, is doing an injustice to the place and the community, or it shows that he had no wish to reform the place he was living in at the time.

7825. If he was annoyed in that way, you think he ought to have told you?—Yes. He ought, at least, to have informed some person, and tried to get a stop put to it, so that the place might be kept in a more orderly manner.

7826. Was your attention called to the fact that drinking was going on?—Not at all; that is what I complain of: his living there, and seeing and hearing it going on, and giving no information either to myself or the Magistrates about the place.

7827. Did you never hear of it yourself?—No.

7828. Since your attention has been called to it have you reason to believe that such a practice has gone on?—I know that on Aberdeen fast days and holidays there is a great deal of drinking, and great disturbances and breaches of the peace; but it is only on these occasions that the Cove is any worse than other places.

7829. *Mr Ferguson*.—Mr Ball was asked why he did not appeal to the chief constable. You did not observe that?—No.

7830. His reply was, 'It was very difficult, because people loved to have it so, and I should simply have had everybody in the place as my enemy.' Is that, in your opinion, a sufficient reason?—Perhaps he may be of that timorous disposition, and therefore unable to do what is a proper and just action. In that case, however, I think he actually neglected to do what was a public duty.

292. Mr NEIL ROBERTSON, Chief Constable of the County of Banff, examined.

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7831. *The Chairman*.—You have 144 licensed premises in your county at present—93 inns and public-houses, and 51 grocers' licences, to a population of 55,571?—Yes.

7832. Giving one licensed house to every 385 or thereby of the population?—Yes.

7833. You say in your written answers that in your opinion there is evasion of the Act in respect of selling spirits to be consumed on the premises; do you think that is very prevalent among the small traders?—Yes.

7834. With your officers have you been unable to check that?—We have had a few convictions, but very few indeed. Since 1863 there have just been 11 convictions.

7835. Do your officers tell you they can't detect it?—The officers tell me that sometimes there is a party watching them, and that although they go into the shops there is nothing to be seen.

7836. Besides being unable to detect breaches of the law, are your officers discouraged?—Our officers are in no way discouraged except by the difficulties there are in enforcing the existing laws.

7837. Do you think you would be able to check this breaking of the law if your powers were increased in any way?—I think that the fixing of a minimum rent—in our county say from £12 to £15 a year—and the

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forfeiture of the licence on conviction for the second offence, would have an effect.

7838. Have you ever had a second conviction against any one?—No, they are all first convictions.

7839. Do you find that it is only among the smaller class that the breaches of certificate take place?—Yes.

7840. Have the justices given the grocers' licences freely?—Yes, pretty freely. When applied for from a country district, certificates are filled up by the justice of peace in that quarter, and when the justices find these satisfactory they grant the licence.

7841. Then they do not refuse many?—They do not refuse these. We have 53 just now, and in 1863 there were only 44. There is an increase of them, and a decrease in the inns and hotels.

7842. *Mr Campbell Swinton.*—Is there rather more of a disposition to apportion the number of inns and hotels to the population and the wants of a district than there is in the case of grocers' licences?—Yes. When inns and hotels are applied for they consider whether or not they are necessary for the district.

7843. And they don't do that with regard to grocers?—Not so much. There is a tendency to reduce the number of inns and hotels. When any new application is made for an old house, it is refused unless the justices really consider it necessary.

7844. *The Chairman.*—Do you see any way in which your hands would be strengthened—by having further powers, for instance—in stopping drinking on the premises?—I really could not say about that.

7845. Do you think it would be almost impossible?—Well, it is not impossible, even at present. Sometimes we really get a conviction, although it is very difficult. We have a good many convictions of inn and hotel keepers, but not so many of grocers. Those who go and drink whisky at the grocers' are not willing to give evidence unless they can't help it. Were entrance between dwelling houses and shops prevented, and shops and fittings so constructed as to be at once open for inspection on entrance, our hands would be strengthened.

7846. Do you think that women learn to drink from going to the grocers'?—I don't think there is so much of that in Banffshire.

7847. Do the grocers in Banffshire send out liquor in their carts?—I am pretty sure that that is not the custom in Banffshire. I made particular inquiry about it, and did not hear of it. A good many grocers' carts go into the country, and sometimes spirits as well as goods are delivered to order, but I never heard of them taking it on chance and selling it by the way.

7848. Farmers order spirits in respectable grocers' in the towns, and these are delivered to them in the ordinary way?—Exactly.

7849. Do you think it would be a hardship on the farmers if they could not get the liquor they want from the town?—I think it would, because some of them are far away from shops, and the carts are very convenient in taking what they order to the door.

7850. Would it enable your officers to stop drinking to some extent if the shops were made more open, so that they could see in from the outside?—It would.

7851. What do you think of the proposal that no casks should be allowed in the shops, but only sealed bottles, to be taken away when sold?—That might be a benefit too. At present the customers carry it away in small quantities.

7852. *Mr Campbell Swinton.*—Do they carry it away in open vessels?—No, I don't think so—not, at least, as a rule.

7853. Do you think an entire separation of the trade of grocer and spirit-dealer necessary or advisable?—I scarcely think it would.

7854. You don't think it is even advisable?—No.

7855. Do you think it would do any harm?—I don't think it could. But if the grocer's licence were given to respectable parties, I think that would be a great thing, because it is the small grocers that are generally in the way of breaking the law.

7856. Is there any way of preventing the small

grocers from doing it short of separating the trades?—There is just this one thing; it might do good if they were taken sharp and the licence withdrawn on the first or second conviction. I am of opinion that with most of the smaller grocers half their livelihood is derived from the sale of spirits.

7857. Did you tell us whether one or two convictions are considered sufficient by the justices of Banffshire for withdrawing the licences?—Three convictions are required.

7858. Yes, before they are forced to withdraw it; but they may withdraw the licence at the first or second conviction, may they not?—They may, but they never do it till the third; but if it were fixed law that the licence should be forfeited at the first or second conviction, I think it would have a good effect.

293. *Mr GEORGE MEARNES, Superintendent of Police at Banff, examined.*

7859. *The Chairman.*—How many licensed houses have you in the burgh of Banff?—For this year 10 publichouses and hotels, 7 grocers, and 1 brewery which holds a dealer's licence.

7860. Has the number been increased of late years?—The licences have decreased one-third since 1855. In that year they were 27 in number; now they are 18.

7861. What were the numbers in 1872?—There were 7 grocers, 11 publichouses and hotels, and a porter and ale brewery.

7862. Are the magistrates keeping down the number? They are inclined that way.

7863. Are any grocers refused licences when they are applied for?—Yes; last week a new application was refused.

7864. What is the population of Banff?—4080.

7865. Is it your belief that there is any drinking in the premises of the licensed grocers?—That has been the case, but it is not so now. We have been troubled with that, just as I have heard described in evidence here to-day, but in a different shape. In my experience we have had to contend, not with barricades inside, but with connections with the dwelling-houses. This and the cheaper houses were the great evils with us.

7866. Are the magistrates requiring a separation between the shop and the house?—It has been talked about of late. I spoke to some of our magistrates lately, and they think this class of houses objectionable.

7867. In your written answers you said that drinking habits have been prevailing in your burgh by mere boys and females, even of the better class, and that on inquiry you found they had been drinking at the grocers' shops while in the ordinary way of calling for other goods?—Yes; I have known boys get spirits at grocers' shops, taking it outside and drinking it; and I have known females get drink there when refused at publichouses, and using it in the same way.

7868. You also think that they would be ashamed to be seen calling at publichouses. Have such cases come under your own observation?—Yes. I refer to females of the better class, who, when bordering almost on insanity to get drink, have been found to get it in the way I mentioned.

7869. Have you heard complaints by men of women getting drink in that way?—Yes; I mean women of the same family. In some cases, however, the grocers who supplied the drink did not know that they were in that state. It seemed to them that they were all right enough, when in reality they were bordering on insanity.

7870. That, however, would be only in one or two isolated cases?—Yes.

7871. Has it been a common thing, judging from your own observation, for women to get drink at the grocer's?—I would not say it is common for them to get it there more than at other places. They do get it when they call at the grocer's; and, as I have already stated, when they had been refused at the publichouses.

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7872. At what time does the drinking in private houses take place?—Generally at night.

7873. Do the grocers' shops sometimes remain open after the publichouses have been shut?—No, not in Banff.

7874. Then if there is anything going on in the grocer's shop, it would be some friends of the grocer drinking in the back shop?—We have had no trouble with them for the last 18 months or two years—indeed, since some of the houses were shut up. These houses were houses for which small rents were obtained. In Banff we are better off than in many towns.

7875. Have offences in the shape of drunkenness decreased?—Yes; criminal offences have decreased a good deal.

7876. Have the magistrates been exerting themselves?—Well, I don't think that that is making a difference; there is no difference in the punishment; but so many cases do not occur.

7877. *Sheriff Crichton*.—Does that decrease arise from certain houses having been put an end to?—I would not say that.

7878. What is the cause of the decrease in crime?—I can't say. I expect it is the same all over the north of Scotland. We had 92 cases last year, while in 1854 there were 195. That included the drunk and disorderly cases.

7879. *The Chairman*.—Do you desire to mention anything else to the Commission?—Merely this, that there should be no direct communication between the dwelling-house of the dealer in spirits and his shop. In almost every case brought against the grocers in Banff since 1855 it has been found that the drink was consumed in the dwelling-house. This occurred in cheap-rented houses where they could not erect such barricades as have been referred to in the course of to-day's evidence. Instead of drinking the liquor behind the barricades the parties got into the dwelling-houses.

7880. *Sheriff Crichton*.—You said that last year there was a licence refused. Was the applicant a grocer?—Yes.

7881. Had he carried on business before?—He only commenced business at the Whitsunday term. The magistrates have been inclined to keep the licences down, especially when a change of tenant occurred.

7882. *Mr Ferguson*.—Are there many grocers in Banff who don't take the licence?—Seventeen or eighteen, but some of them are very small grocers.

294. Mr CHARLES RÆBURN, Licensed Grocer, Banff, examined.

7883. *The Chairman*.—What have you to say on the subject of our inquiry?—Judging from what I have seen before with reference to this inquiry I think it would be a very great hardship to grocers in such provincial towns as Banff if they were restricted to sell not less than a quart or even a pint. The majority of our sales are in quantities of from a bottle downwards—very seldom exceeding a gallon. The reason why they do not exceed that quantity is that the wholesale spirit-dealers go and call upon private families and sell from two gallons upwards to them. Then we have the distillers in most of the counties in the north, who have no hesitation in selling to families. An individual gets a cask of 9 gallons of whisky and divides it amongst friends. I don't know that the Excise have looked into that, but instances of that sort have come before myself.

7884. Your trade in great proportion is with working-men, who buy small quantities, is it?—Well, we sell to respectable families as well. I would say that of the wines and brandies which I have sold in small quantities three-fourths of it were not for the purposes of luxury at all, but for medicinal purposes.

7885. Nevertheless you have a considerable business in small quantities? Are these small quantities gills, or what are they?—Gills and two gills.

7886. When people get such quantities do they send the bottle to your shop and get the spirits put into it there?—We usually have a bottle filled. In the case of gills, however, we have to fill the bottle when it comes in. Pint and quart bottles are usually filled and supplied to the customers filled.

7887. Is your house high rented?—Yes; the rent is £21. I have this to say with regard to back doors, seeing that they have been mentioned. If you have a front shop with a narrow door it would be very inconvenient if there was no other entrance. It would be impossible to take in casks of sugar or any other commodity by a front door, and how, in such a case, are you to get the article unpacked? You must empty the casks at the door if back doors or side doors are prohibited. At present my house is connected with the shop. I have no objection to shut that up, but on the other hand I must extend my shop backwards and get the requisite accommodation. As it is I have to go through a passage in the house in order to get to the back stores. I daresay the case is somewhat different in a city such as Aberdeen. I might mention with reference to the supply of liquor in open bottles that I have repeatedly refused to supply it in that way. In no case do I allow a bottle to go out of the shop without being corked. In many instances I have known that parties would have taken the bottle to their heads before getting out of the door if they had not been properly corked, and if the police had seen them do so there was a conviction against me at once.

7888. Do you think there would be any great difficulty in keeping spirits in bottles of different sizes corked and ready for sale?—Well, I would go as low as a gill.

7889. You would see no great difficulty in keeping bottles of the sizes required in your shop?—It would just cause extra trouble.

7890. You see we have to deal with this evil: there are many dealers who sell liquor to be drunk in the shop, having a cask or large measure on tap in the shop. Now, we have to meet this case if we can. What objection do you see to the grocers being restricted to sealed bottles?—The only case in which I see it would be very hard is where poor people are not able to obtain a gill of brandy. If they required less than a gill they would, in the case you suggest, be compelled to take a gill. I know families who would feel very much to go to publichouses for small quantities of liquor. Before I conclude I have to make an observation in regard to the hours. I would certainly say that the hours ought to be from 8 in the morning to 8 at night, as it has been with us for the last 18 months. The shops might be allowed to be open to a quarter past 9 on Saturday nights. I should say unselfishly that 10 o'clock should be the hour for closing on Saturday night.

7891. Would you approve of its being required that no spirits should be taken out of bond till they were two years old?—Most certainly. I would also have the Adulteration Act put in force as regards spirits. In my own case I have got spirits of a very inferior character which I was quite satisfied were adulterated. I was satisfied of that from the small quantity I took of them.

7892. Were they purchased from a dealer?—Yes.

7893. What do you say was contained in those spirits besides what they professed to contain?—I really could not say. It appeared to me that they were methylated spirits.

7894. *Sheriff Crichton*.—How did you detect it?—From the subsequent effects. I took only a very small quantity, and I was obliged to lay myself up immediately—at least, in the course of a couple of hours after I took it. That is about eight years ago. The spirits were not on my own premises; I purchased them from another merchant.

7895. *The Chairman*.—Most of the grocers in Banff of any size are licensed, are they not?—Those that are not licensed have other businesses combined with their grocery business. In the case of the small grocers you might say that their grocery business only forms a third

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of the whole business—many other things being attached to it.

7896. Has the possession of the licence by the grocers not brought a large number of men into the trade who would not have been in it at all?—I don't think so. There is no bad feeling between the grocers and the publicans in the town of Banff.

7897. But the grocery trade would not support the number of grocers in it if it were not for the sale of spirits?—Oh! dear, no. If the licence were taken from me I would not be able to make a livelihood. I consider it a third of my trade.

7898. I suppose it is quite true that the profit on spirits is twice as large as on other articles?—It depends on the article you vend. If you wish to sell a good article I don't know that the profit might amount to so much. In many cases we have to compete with the distiller, because, as I have explained, he supplies families with drink. Families who purchase spirits from the distiller can get them at little more than he charges us.

7899. In an ordinary trade would not the profits on spirits be twice as much as on groceries?—Yes, taking the average. Cases have been reported where the licensed grocers cut out the unlicensed grocers in the vending of certain articles, but I could reverse the thing in our town in connection with certain articles.

7900. One grocer may have a special article which he cheapens, might he, not?—Yes. I think it would be a very hard case if we were restricted to sell spirits by the quart bottle. It would entirely crush our trade in spirits altogether, as we would have on the one hand the publican selling small quantities, and on the other the wholesale dealer and distiller—who, I may remark, have no difficulty in getting a licence from the Excise—selling from two gallons upwards. I therefore maintain that if we be restricted to sell not less than a quart bottle, then I say that the wholesale dealer and distiller ought to be restricted from selling to private families.

John Adams.
R. W.
Wright.

295. Mr JOHN ADAMS, grocer,
64 Green Street, Aberdeen, } examined.
296. Mr R. W. WRIGHT, grocer,
101 George Street, Aberdeen, }

7901. *The Chairman*.—Were you formerly licensed grocers?—*Mr Adams*.—Yes.

7902. Have you, Mr Adams, prepared a statement?—Yes. My statement is as follows:—'I have been engaged in the grocery business altogether for upwards of 24 years, 13 years of which was in connection with the spirit trade and 11 years apart from it; and from my experience and knowledge of the trade I would say that grocers' licences exercise in many ways an evil influence, being promotive of intemperance among a class of women, doing at the same time an injury to children, and proving a snare and temptation to numbers of commercial travellers, as well as making it almost an impossible thing for the person licensed to observe unimpaired the strictness of the law. Grocers' licences give great facilities for procuring drink under cover, and make it easy for females to get liquor with other goods, where in many instances they would not do so from feelings of delicacy to go to a publichouse or for want of means at hand to get it. It is not by any means an uncommon occurrence in certain localities to send children to the grocers—more especially little girls—to purchase the very smallest quantities of tea and sugar—say, a halfpenny or a pennyworth of tea and the same of sugar—and from threepence to sixpence worth of whisky or rum. I have also at times witnessed the young creatures come dripping the bottle to their mouth, and which among other reasons proved a strong incentive to my abandonment of the traffic, as in far too many instances that which was mis-spent on liquor should have gone to feed and clothe them. Commercial travellers are exposed to much temptation from the habit of standing treat on

'the understanding of an order, and I have known instances where I had enough reason to believe that the individuals were rendered intemperate from frequent intercourse with the grocer in his social *modus operandi* at the extremity of the counter. I have also the combined testimony of travellers on the road, who certify to the evils that accrue from the foregoing cause, as also the wide breach of certificate practised among grocers. And as one man well said, if the testimony of six others such as his own could be given it would be quite sufficient to afford all the information necessary to bring to light the bad results arising from the combination of the two trades; but that they dare not come forward and testify to what they witness in grocers' shops, as it would cost them all that their situation was worth. Several of them were to give me letters confirming facts, but upon afterthought they had recoiled from the responsibility, deeming it better to silently view the holocaust than be consumed by its flames. Speaking from my own experience, I can affirm that it is a very difficult matter to maintain the integrity of the laws where there is a licence held, as the merchant is always liable to the visitation of some intimate friend or influential customer, who in a measure compels him to set at nought the terms of his certificate, however much he may be opposed to doing it himself. Altogether I am satisfied that the two trades would be much better apart, as it would elevate the one above suspicion, and render the other more tractable to control. It would also have the advantage of putting the entire trade upon an equality of terms which at present does not exist, as the licensed grocer has an undue monopoly which his brother in trade, who, from conscientious or other motives, may not hold a licence, does not possess—he being always liable to undersell his less privileged neighbour, as the profits on the one article, which is greater, makes him independent of the lesser profit on the other. It is also very difficult for young men to get appointments in the grocery trade where there are no liquors kept, as the numbers are so comparatively few who do not hold the licence.

7903. You say that commercial travellers are injured by the drinking which they see in grocers' shops? Do not the same travellers go to publichouses?—None of the travellers I refer to go to publichouses.

7904. If you take away the licence from the grocers, would not these travellers still pay visits where liquor was tasted?—No; they have no connection or dealings with any others engaged in the liquor trade. I have no experience in regard to what is done in publichouses.

7905. *Mr Ferguson*.—The commercial travellers you speak of embrace those who sell other commodities besides spirits?—The commercial travellers I speak of sell only dry goods without combining spirits. Travellers who sell wine and spirits are (with few exceptions) an entirely distinct and separate class from those I mention.

7906. Why did you give up your licence, Mr. Adams?—I gave it up because I thought it was an unrighteous trade, seeing the instances I have cited—little children buying spirits, who, I knew, were deprived of food and clothing.

7907. Did you give it up on account of your religious connection?—I did not give it up on that account, but from conscientious motives.

7908. Do you belong to a denomination which objects to its members holding licences?—Yes; but I did not belong to it at the time I gave up the licence. At that time I was a member of the United Presbyterian Church, in which there are licensed grocers.

7909. The denomination to which you now belong does not permit its members to hold licences?—No; but that had not the slightest influence with me when I gave up the spirit trade.

7910. Mr Wright, have you a statement to make?—*Mr Wright*.—I read the few remarks I have prepared:—'I have been in the grocery business for upwards of 14 years. Part of that time I held a licence. It is about 7 years since I gave it up. My reason for doing so was that I saw the evil effects it had upon many of my

'customers, and the impossibility of keeping the law. In the first place, for example, many of those who had weekly accounts, their husbands often came along with their wives on pay-night, so that they might get a glass or a pint of beer, and often made these poor women drink with them, much against their will. Some of those are now drunkards, just by the training they got going to the licensed grocer for their provisions. Again, a man has a drunken wife. He goes to the licensed grocer, gets a pass-book, tells him to give his wife what groceries she requires, but no drink, and he would pay weekly what she gets, as he could not trust her with his wages; but, by-and-by, his wife gets intimate with the grocer, asks him to mark in her pass-book 1 stone oatmeal, say, at 2s; gets only $\frac{3}{4}$ stone, which comes to 1s 6d, and a gill of spirits, which make 2s. Again, she may get marked in her pass-book $\frac{1}{4}$ lb. tea, 8d.; sugar, 8d. = 1s. 4d.; gets $\frac{1}{4}$ lb. tea, 8d.; 1 lb. sugar, 4d.; and 2 pints beer, 4d., which come to 1s. 4d.; and in many cases drink is marked goods or sundries to deceive; and is it not reasonable to think that many grocers are tempted to do it, when the profits arising off the drink is much larger than off meal and sugar? These are facts that have come under my notice during the time I held a licence. I know by experience that a licensed grocer is as a training-school for the publichouse. I have known many that would not enter a publichouse, but, after some training behind the grocer's tea-boxes, they could go anywhere. I believe the only remedy is the separation of the sale of spirits from groceries.'

7911. How long is it since you gave up the licence?—Seven years.

7912. Did your business fall off in consequence?—No; I think it rather increased.

7913. Did it increase from that time forward?—Yes; gradually my drawings increased.

7914. Did you get customers who dealt with you because you did not sell drink?—Not to my knowledge.

7915. Do you belong to any denomination which objects to its members dealing in liquor?—No.

7916. Do you think that the increased number of customers belong to any denomination which acts upon that rule?—I don't know of any.

7917. How do you account for your business increasing from the time when you gave up selling liquor?—I don't know.

7918. We had a grocer doing a large business before us, who said he gave up the spirit trade on conscientious grounds. That is, perhaps, a comprehensive expression. But he said his business fell off 20 per cent., and that he was 12 years or so in making up the loss he suffered, because the profit on spirits was about double that on groceries. You say, on the other hand, that your business has increased from the time when you gave up selling spirits?—Yes; but I did not say that my profits had increased.

7919. Then did your profits diminish?—They are not so much diminished now. They diminished a little at first.

7920. *Mr Campbell Swinton*.—Have you many customers who get groceries from you, and their drink from other tradesmen?—I make no inquiry in regard to that, and, therefore, I am unable to say. There is another thing I would say, and that is, that if the licence were removed from grocers it would prevent drunken women getting their drink from the grocers. It would also prevent them deceiving their husbands, or their husbands deceiving them. I know many cases of that. I could point out several cases.

7921. *The Chairman*.—What sort of instances do you refer to?—I refer to instances of men deceiving their wives—asking for tobacco, and marking it down in their pass-book, and getting drink for it.

7922. *Mr Campbell Swinton*.—Might not one of the causes of the increase of business be that your shop has become more thoroughly respectable since you gave up selling drink?—Yes. In most of the licensed grocers' shops in the town there are always some drinking customers puffing away at their pipe. To respectable people that is very disagreeable. When I had the licence I always found that some one was coming in

and asking for liquor. I have even had them coming round to the back of the counter and asking me for a glass. Strangers have even done this; and this was especially the case in the morning.

7923. *Mr Ferguson*.—Before 8 o'clock?—Yes; I open at 7 o'clock.

7924. And between 7 and 8 o'clock you have had people coming in asking for drink, have you?—Yes. They come in very often in the morning, because I believe it is a general rule throughout the town for them to get it in that way.

297. *Mr GEORGE ANGUS, Licensed Grocer, No. 14 Bank Street, Ferryhill, examined.* *George Angus.*

7925. *The Chairman*.—What have you to say on the subject of our inquiry?—I have prepared a statement which I will read to the Commission:—'Having been a licensed grocer for 20 years, I have had ample opportunity of studying the working of the grocery and spirit trade combined, and from the experience I have thus acquired I am satisfied they would be better separated—1st, Because of the difficulty of enforcing the law so as to prevent drink being consumed on the premises; 2d, Because while the two are combined there is often a temptation to the purchaser of groceries to invest in spirits, and through this channel commence a career ending in drunkenness; 3d, Because of the frequency parents send children under age for drink, thus causing the grocer to violate his licence, and also familiarise the child with the drinking habits of its parents. For these reasons I am satisfied that it would be conducive to the public weal that the grocery and spirit trade should be separated.'

7926. When you say that the two trades should be separated do you contemplate having houses with licences on the same conditions as grocers, with this exception, that they sell drink only?—Yes; I do not believe in free trade in liquor. Placed under restrictions it becomes a monopoly. No monopolies affecting the whole community should be in the hands of private individuals, far less the drink trade. I hold this traffic should therefore be entirely conducted and controlled by either local or imperial authority. Shops for the sale of drink planted wherever the community required them, and only there; and seeing Government have already a large staff of excisemen checking every bushel of malt turned into beer or spirits, every gallon of wine or brandy imported or exported, the public would by this means have a perfect guarantee of the purity and maturity of the article they were purchasing, all party strife arising from this trade put an end to, and the loss to revenue from diminished demand made up from the profits arising from sales.

7927. You do not mean to turn over the whole trade to the publichouse business? Do you mean that there should be houses with licences to sell liquor not to be consumed on the premises, but still entirely separated from the grocery trade?—Yes. There are such houses at present. I suppose that if the licence were taken from the grocers these houses would continue to exist.

7928. Do you think that if after a certain time no grocer could hold a licence, some of them who are now licensed grocers would take up the liquor shops you have mentioned?—Very likely they would.

7929. *Mr Campbell Swinton*.—Have you any reason for continuing to hold a licence yourself?—I could assign several reasons. For instance, I hold that there is the use as well as the abuse of liquor. If I did not hold that there was a use as well as an abuse of it I would give up the licence; but I believe in the use of it. On the whole, I think the abuse is so frequent that I would rather see the grocery trade without it.

7930. *The Chairman*.—Perhaps you cannot afford to give up the licence unless others do the same?—Exactly. I am placed in a very awkward position. If I give up my licence and my neighbour retains it, my neighbour has the advantage.

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John Adams:
R. W.
Wright.

ABERDEEN. 7931. Some people would take their business away from you if they could get liquor and groceries at the one shop, and that shop happened to be your neighbour's?—Very possibly.

George Angus. 7932. *Mr Campbell Swinton*.—What rent do you pay?—£30.

7933. *Sheriff Crichton*.—Where is Ferryhill?—It is one of the suburbs of Aberdeen.

7934. *The Chairman*.—What class of people live there?—It is an upper-class locality.

7935. Then you are not troubled by people coming and asking for drink to be consumed in the shop?—No. I don't allow it, and people don't ask it.

7936. *Mr Campbell Swinton*.—The upper class of customers who inhabit your district would not come into your shop for such a purpose?—We have a mixture of all sorts of customers. Among others we have the better class of tradesmen. They would never think of coming and asking to drink liquor in the shop. I don't sell any liquor to be consumed on the premises.

7937. Have you customers among the working-classes?—Yes.

7938. They know you too well to ask you for drink to be consumed on the premises?—Yes. I don't think I am asked once in six months for liquor to be drunk in my shop.

7939. *The Chairman*.—Do you sell much drink in small quantities?—Not very much; I don't encourage that.

George Gall. 298. Mr GEORGE GALL, School-Board Officer, King Street, Aberdeen, examined.

7940. *The Chairman*.—You have, I think, a statement to read to us, Mr Gall?—Yes. It is as follows:—
‘I am principal officer to the School Board of Aberdeen. I was formerly a constable in the burgh police force for upwards of nine years. I have done police duty all over the burgh. I have the best possible opportunity of seeing how the licensed grocers conduct their business, and of forming an opinion on the licensing system as regards grocers. Of the 276 licensed grocers in Aberdeen, only about a tenth part of them conduct their trade in conformity with the law; in short, the great majority of them are public-houses with a grocer's licence, as drink is daily sold to be consumed on the premises. About a fourth of the licensed grocers in Aberdeen keep a very small stock of groceries and provisions. Their being called grocers and provision-merchants is a mere sham. A number of the licensed grocers in Aberdeen open their shops about 6 A.M., and even earlier, to sell drink. This they do a very great traffic in before the publicans are allowed to open. A great number of the grocers keep open after 11 at night, especially on Saturdays, to sell drink after the publichouses are shut. It is quite common for licensed grocers to sell spirits in open bottles to children to carry to their parents. The bad language which is to be heard in the lowest class of these shops is such that when children are sent for groceries they cannot fail to hear it. I have it from licensed grocers themselves that they frequently sell drink to married women, and put it down to the husband's account as soap or other necessaries. When I was a constable, publicans frequently complained to me of licensed grocers—often next door to them—selling more drink to be consumed on the premises than the publican. This, in many cases, I knew to be quite true. I am of opinion that not more than the half of the licensed grocers in Aberdeen have served an apprenticeship to the trade, consequently a very large number of them know little or anything about groceries when they commence business; but, still, they are able to obtain a livelihood, because it requires little or no business training to sell drink. I have often known licensed grocers living in a back room in connection with their shop, and selling drink by a side door on Sundays. The carrying out of the Act in regard to licensed grocers is far from being strictly

enforced in Aberdeen. I have also a good idea of how the licensed grocers in Aberdeenshire conduct their business. They are generally a class of men of good business habits and standing. A great majority of them sell general goods, and are men who have served an apprenticeship to the trade. The law in regard to selling of drink by grocers in the county is much better observed than in the burgh, for one reason, that the police organisation is much superior to that of the burgh. The separation of the grocery and spirit trade would, in my opinion, be a very great improvement.’

7941. *Mr Campbell Swinton*.—By a separation of the trade, you are not afraid of driving people to the public-houses, are you?—No.

7942. *The Chairman*.—When you saw the things you have mentioned in your report going on, did you report them?—No.

7943. Why not?—I got no encouragement; rather the reverse.

7944. *Sheriff Crichton*.—From whom did you get no encouragement? Was it from the police authorities?—Yes.

7945. Were you absolutely discouraged from doing it?—Sometimes the parties were brought up, and sometimes they were not. Even when there was plenty of evidence, the cases were often put off without having been brought to the court at all. That was quite a common thing.

7946. *The Chairman*.—Was that the case with publichouse offences too?—Yes.

7947. *Sheriff Crichton*.—How long is it since you left the force?—I left in May, 1873.

7948. *Mr Ferguson*.—Have you been school board officer since then?—Yes.

7949. *Mr Campbell Swinton*.—When you state that you would not be afraid, in separating the two trades, of driving people to the publichouses, do you mean that the people who go to the grocers would not drink at all, or that there is less evil in getting drink from the publichouses than in getting it from the grocers?—It would diminish drinking to a great extent. Parties who will have drink will go to the publichouse, while others would keep away from the publichouse.

7950. There are some people who take drink because they get it at the grocers who would not take it if they had to go to the publichouses for it. Is that not so?—Yes.

299. Mr JAMES RENNIE, Cabinetmaker, 220 George Street, Aberdeen, examined.

7951. *The Chairman*.—Do you know of any cases in which the law is commonly violated?—Yes. I wish to submit a few cases which have come under my own observation. I may state that I could put my finger on the men, and that I could get witnesses to corroborate what I say. I will read what I have to state upon this subject. The present state of the grocer's licence is such that they can, and do violate the law. Numerous instances can be given to prove that the present restrictive system is completely insufficient. I have lived in the east and north ends of the city all my life. I have, therefore, had good opportunities to take note of how the grocers work with their licence. They have all large cans at the end of their counter, and behind these the drink is consumed. I wish to submit a few instances which came under my own observation within this year. The first I wish to refer to is a grocer in the east end of the city, who opens his shop a few minutes past 6 o'clock in the morning, and allows the liquor to be consumed upon his premises as openly as if he was allowed to do so. I had occasion to pass this grocer's shop every morning to my work for the period of five months, and I have seen as many as four and five coal carts standing along the street, waiting on the men who were drinking in this grocer's shop. I am convinced in my own mind that that grocer opened so early for no other purpose than to

'sell drink. His trade in that respect was good, for his shop was seldom less than half full of people.'

7952. *Sheriff Crichton*.—During what period did that extend?—From March to the end of July this year. I have passed the shop when it was being opened, and I have seen the people running out of the closes over to the shop to get drink.

7953. Did you see them drinking?—Yes, quite openly. The glasses were arranged on the counter. I have been in another grocer's shop, who cut 2lb loaves into penny slices and sold them. I happened to be in the shop when a woman bought two slices, and got along with it a dram at the back of the counter. I have seen many since then,—poor, destitute creatures,—come to the shop and drink.

7954. What period would you give to this?—It was about eight years ago. The grocer has given up business. He told me he would not bring up his family in the place. He was obliged to go to the country from the evil influences surrounding him. Then I have to state that on the fast day in April last I went to the Cove to enjoy myself on a holiday. I went into the grocer's shop to get some food. I could not get in for a crowd. At last I pushed my way into the shop, which was full of boys, whose ages reached from 13 to 17. They were all sitting in a back-room or at the counter drinking. They were taking it wherever they could get it. On that occasion the village was filled with drunk boys and some few girls, much to the annoyance of the villagers. That was the fast day in Aberdeen. I wish to refer to another grocer at the north end of the city, who has a small fire at the back of his counter. Round this fire he sets porter till it warms. This porter is much patronised by the work-shops in the district, simply because it is warm, and the work-people come and consume it on the premises.

7955. *The Chairman*.—Have you any other case to mention?—I have seen many other cases, but I could not just prove them if asked to do so.

300. Mr ANDREW MUNRO, Shoemaker, 25 Causeway-end, Aberdeen, examined.

7956. *The Chairman*.—What have you to say on the subject of our inquiry?—I have just noted down a few thoughts that have occurred to me, as follows:—'I am a boot and shoe maker to trade, and carry on business as such at 1 Charles Street, Causewayend. I have had my attention directed to the way licensed grocers conduct their business for the last five or six years, and consider that they exercise a most demoralising influence on the community. In passing along our street, one cannot miss to see that they carry on their business in open violation of the law. I can see two licensed grocers' shops out at my shop window, and can see both men and women passing out and in, and purchasing drink and consuming it in the shop. Sometimes as many as six will go in at one time and get drink, and drink it on the spot. Women generally go singly. I have seen some of them getting whisky into a vessel such as a tea-cup or a cream-pot, and go into an entry and drink it there, being afraid to take it home. I never counted how often people would pass in for drink in a day,—perhaps 20 or 30 times, and perhaps oftener. I have also seen little children supplied with whisky and bottled drink to carry it home. The grocer often draws the cork, and the children will be having a sip on the way home. All this I have seen taking place, and the police looking on. I believe to a certain extent the police are powerless to prevent it; but to a great extent they don't try, as they can easily be bribed. It is not to be supposed that these are the only shops where such conduct is carried on. I don't know a shop, except one from Union Street northward, where it is not carried on. I believe the licensed grocer's to be the most immorally conducted business of any in the community, and am strongly of opinion that great need exists for the two trades being separated.'

7957. Do you mean that the police are witnesses of the children carrying away the liquor, or of drinking in the shop?—The police see drinking going on in the shops frequently. My opinion is that they cannot prevent it. They are powerless to prevent it, for this reason, that there is perhaps only one man present. The policeman has no witnesses, even though he goes into the shops, to do which he has always a certain delicacy. It is very likely that he would not get parties in the shop who would be prepared to bear evidence.

7958. *Sheriff Crichton*.—Could you not have assisted the police?—I could easily have done that hundreds of times, but it would be disagreeable for me to go into a court to give evidence against my neighbours. That is a thing I would not at all care about.

7959. *Mr Campbell Swinton*.—What you have said about the difficulties of the police sufficiently accounts for their not successfully prosecuting these people. You have no knowledge of the police being bribed, have you?—I don't know. I remember passing a grocer's shop one evening a couple of years ago. The night watchman was standing with his back to the wall between the door and the window. I saw the grocer slip out his hand, put it round the corner of the wall, and handed the policeman a bottle filled with about two gills of whisky. The policeman slipped the bottle into his pocket and walked off. So far as violations of the law are concerned, I say in my written remarks, and I say it advisedly, one cannot pass by without seeing drinking. I saw it as I was coming here.

7960. To-day?—Yes; I saw drinking on the premises.

7961. *The Chairman*.—Drinking in the shop?—Yes. If one wishes to keep his eyes open he can see it daily. I saw it twice yesterday.

7962. *Mr Campbell Swinton*.—Of what class are the shops you see it in?—What you would term neither highest nor lowest. The rents of them would be from £15 to £20. Some of them, I would fancy, are tolerably respectable. I have seen drinking going on in localities where the shops are much more highly rented.

7963. What class of people are the drinkers?—I saw three men pass into a very respectable shop. I happened to be standing talking to a friend right opposite the door. The three men passed in and were supplied with drink at the back of the counter. They seemed to be farmers or people of that description. I have seen the very lowest of people go out and in to these shops. I am also convinced that a great many respectable people go into these shops who would not like to be seen going into publichouses—people who bear a pretty respectable character and occupy a tolerably fair social position. They would not care about going into a low publichouse, although they might go into a hotel or a house of that description.

7964. *The Chairman*.—You don't object to the trade in liquor, do you, provided it is legitimately conducted?—I object to the trade in liquor altogether. I consider it is an evil from top to bottom, and I have also a decided objection to its being illegally carried on.

301. Mr JOSEPH FALCONER, Baker, 6 Thornton Court, examined.

Joseph Falconer.

7965. *The Chairman*.—What have you to say on the subject of our inquiry?—All that I have to say is that I am in the habit of passing a grocer's shop every morning about half-past 7 or 8 o'clock at the corner of our street, and I see men and women coming out of it. I see them coming out every minute of the day, and not one day only but every day. It is a continual thing from morning to night—I mean the sale of drink—to go in and have a glass of whisky or a pint of porter, and policemen walk in and have a glass along with others. There are many other shops who do the same thing as this shop. In the Gallowgate, as

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Joseph
Fulcomer.

I see quite frequently, you will get drink in all the shops. I refer specially to the shop I have mentioned. You will see it on Saturday night after 11 o'clock. I sometimes stand at my door and have a smoke, and I see what is done. The shop doors are shut, and a tap comes. A voice asks, 'Who's there?' Then the door is opened and they go in, and come out with a bottle—half-a-dozen of them every Saturday night—not one Saturday night, but every Saturday night.

7966. *Sheriff Crichton*.—At what time of the night does this happen?—11 and 12 o'clock.

7967. *The Chairman*.—It is a habit with some people who remark on the proceedings of this Commission to say that many opinions but no facts are offered, so the more facts you give us the better?—I have seen in that shop parties walk up and down outside and watch, and walk in and have their 'nobbler' while I was standing in the place getting one too. It is not there alone that it is done. I don't believe there are 20 grocers' shops where you will not get drink. I will go into the first I come to, if I want drink, and get it.

7968. *Mr Campbell Swinton*.—Do you ever do it now?—Not now. When in the habit of drinking I drank more in the grocer's than in the publichouse. My wife and I would be out taking a walk on Saturday afternoon together; and I would say, 'I could take a 'brandy ev' now.' She would say, 'So could I. We 'will go into the grocer's, because I don't like to go 'into the publichouse.' And so we went in and had a pint.

7969. You never had the least difficulty in getting it?—No; I am never in the least afraid for that.

7970. For how many years did that go on?—Too long.

7971. For your own sake perhaps; but for how many years did it continue?—May be 10 years or thereabout.

7972. *The Chairman*.—When did you give it up?—I stopped it altogether about nine months ago. When I have occasion to go into grocers' shops I can see the same things as I have described. I see them walking round the counter and getting what they have to get and come out. Sometimes parties going in will say to me, 'Are you going to get a pint?' 'No,' I reply. 'Then just stop there till I come out.' And I would just wait for them.

Peter
Esslemont.

302. Mr PETER ESSELMONT, Wholesale Merchant, Aberdeen, examined.

7973. *The Chairman*.—You were formerly a magistrate of this city, were you not?—Yes.

7974. Will you kindly read the statement which I believe you have prepared? 'I am a merchant. In following my business I have had occasion to travel a good deal in Scotland, and especially over the north-eastern counties, and have also travelled in America. I have had my residence in Aberdeen for the last 28 years. I have given considerable attention to the subject now before the Royal Commission, and was for four years one of the magistrates who form the borough licensing court. My observation has led me to the conclusion that the Forbes M'Kenzie Act would have been of much more value could its clauses have been more thoroughly enforced in respect of grocers' licences. It is consistent with my knowledge that a large number—I should say the majority—of the licensed grocers systematically and persistently violate their certificates by selling more or less to be consumed on the premises, which is unfair to those who pay for the privilege. It is my opinion that great good would be effected by the separation of the sale of intoxicating drinks from the ordinary grocery and general business in connection with which it is at present conducted in the great majority of cases. The number of licensed grocers is so great that it is impossible for the police, whose duty it is to see that

'the conditions of the certificates are adhered to, to detect the many cases of breach of certificate, even if they are so disposed. But it is to be feared that the police are not infrequently induced to shut their eyes to the violation of the law in this respect. There is much to say in excuse of the ordinary constable. Very often the commissioners of police are themselves licensed grocers, and prosecutions are almost constantly the cause of much ill-will to the officer informing. If the constable does not succeed in proving his case with two or three witnesses it breaks down, he is disappointed, and often receives but scanty thanks for his trouble. The fines, which are usually modified to 25s for a first offence, and 50s for a second, are not sufficient to prevent breaches, and not infrequently are of little consideration in relation to amount of business done, and the chances of escape by using great vigilance and despatch in supplying the drink. If a third conviction is imminent means are frequently taken to have a change of tenant. For this reason I am of opinion that the transfer of licences from one tenant to another during the currency of the licence ought, except in the case of the death of the tenant, to be avoided. Were the trade carried on by wine and spirit merchants unconnected with any other business, the number of licences would of necessity be reduced to one-fourth or less of the present number, and the keeping of dealers strictly to the terms of their certificate would be comparatively easy, whether in charge of the police or the Excise. If separation were to be entertained by Parliament, my attention has been directed to the question of compensation. While I do not think that grocers and other general merchants have any legal claim to hold a licence more than one year—the law making it imperative that all licences have to be renewed from year to year—yet, as a matter of equity, I think there would be much ground for complaint on the part of those who have capital invested in the business, and who have hitherto complied with the terms of their certificates, were they to be called upon at once to conform to an immediate alteration of the law in this respect. I should suggest that no new licences be granted in connection with any other business whatever, and that a term, say of seven to ten years, be allowed to the present holders to make preparation for the change, continuing the licence at the discretion of the licensing magistrates for the term indicated, or such other term as would be just and equitable. I have considered the objection, that were the sale of intoxicating drinks only allowed when no other business was carried on in the same premises, that in the rural districts inconvenience would arise by the restricted trade not affording a source of supply as a business by itself. My impression is that it might be done in connection with inns or hotels in exceptional cases. The prevalence of conducting the general business in the country now by means of vans is said to be abused by introducing with them a kind of hawking with groceries and spirits in connection with the collection of dairy produce. Were a complete separation effected this could not be done. As a matter of close observation, extending over a period of more than 20 years, I have been forced to the conclusion that in all cases the increase of facilities for obtaining intoxicating drinks, and the multiplication of agents by means of grocers and grocers' licences, undoubtedly leads to increased drinking and the prevalence of drunkenness. My attention has been directed to evidence given by Mr M'Donald, M.P., and others, in which they give it as their opinion that it is better that spirits be consumed in the publichouse rather than taken to the homes of the people. I differ entirely from them in regard to that conclusion. There are in most cases restraining influences of various kinds brought to bear at home on persons inclined to drink to excess, whereas the interest of the seller is to continue the supply as long as the money lasts, and means are frequently used by companionship and other inducements to promote excess in the publichouse. In regard to the important point of example, it is seldom possible to prevent families from acquiring

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‘a knowledge of the habits of parents and elder members of the family, and the danger of imitating example in obtaining drink surreptitiously from licenced grocers to be consumed on the premises, and by frequenting publichouses for the purpose of drinking, is in my opinion greater than it would be in seeing intoxicating drinks occasionally used at home. It is very rare that parents are not restrained by the presence of the children from a feeling of danger in this respect and *vice versa*. Were the suppression of the number of grocers’ licences likely to lead to the increase of drinking in publichouses I should expect no improvement on the habits of the people, but I have a strong conviction that this would not be the case, but the opposite. I may be allowed to state that a publichouse licence in the common acceptation of the term ought not to exist—i.e., for consumption on the premises. I should only think it necessary to grant licences to hotels and *bona-fide* restaurants where food was regularly supplied. It is notorious that although this was the intention of the legislature there are a very large proportion of publichouses, or so-called licensed victuallers, who supply no kind of refreshments whatever except intoxicating drinks, whose entire trade depends upon habitual tipping and evening drinking, which cannot be said to tend in any way to comfort or public convenience. And the existence of this class of houses forms a great temptation and proves a snare to large numbers in the localities in which they are situated. Many of those who frequent them, weakened by the often yielding to the temptation, would most gladly have the temptation removed; and any licensed grocer who allows drinking on the premises is responsible for all these evils, and in an aggravated form. It has, I think, to be borne in mind in considering this whole question of licencing, that it has been proved beyond all doubt that free trade in intoxicating drinks is inadmissible; that restriction is a necessity for the common weal, and must therefore be strictly regulated by statute. In this light it is of the first importance that the trade should be in as few hands as possible, in order that these restrictions may be effective at much less cost and trouble than presently obtains; and, further, that there should be the least possible temptation to dealers to violate the terms of their certificates. My observation has led me to the conclusion that the great number of licences granted both to grocers and publichouses has rendered the trade unremunerative, and the frequency of transfers shows that this is the case to a larger extent than is generally believed. Besides it is to be feared that in order to render the business profitable inferior spirits are sold. The business being of a kind which, it is supposed, requires little or no knowledge to conduct it, is often resorted to as an easy way of making a living; but in the interests of both traders and customers it is desirable, in my opinion, to have it restricted as much as is possible consistent with our present notions of public convenience. It seems to me, therefore, the separation of the business and other changes, &c., would curtail the number of persons and places engaged in the trade to such a limit as would enable the legislature to enact licensing laws of a much more simple form, would render the introduction of limited fines unnecessary, and make any breach of the terms of certificate the cause of its withdrawal. The very large number presently engaged and interested in the business, directly and indirectly, increases the difficulty of legislating on the question, while separation of the trade would reduce them to a minimum, and make legislation more easy and effective. I have observed what has been said in regard to the shortening of the hours of sale, and agree with those who have given evidence as to the benefits of shortening the time, which, in the case of those who sell not to be consumed on the premises, should not exceed 12 hours, say from 8 to 8. I also think, on the whole, that in the case of spirit merchants, although it might be better to prevent the sale in open vessels, it would be

‘a hardship if it could not be obtained in small quantities, and restriction to not less than a quart would be unreasonable. The following figures will show the operations of the licensing court in Aberdeen since 1854. The population was then 54,000. We had

	1854.	1864.	1872.	1874.	1876.
Inns and hotels.....	61	50	52	47	41
Publichouses.....	339	153	145	122	122
Grocers or spirit-dealers	127	220	297	284	276
	527	423	494	454	439
	108	130	111	170	181

‘of population. It has to be mentioned that these figures refer to the Royalty, the boundary of which was extended in 1871, which accounts for the increase in the number from that period, although the proportion to population is less. To show the state of public opinion in Aberdeen, on Wednesday, the 15th October 1873, a large and influential meeting of citizens was held in Music Hall Buildings to consider the best means of removing or abating the evils of intemperance, which was attended by the Lord Provost, magistrates, doctors, clergymen, and other citizens, when the following motion was unanimously agreed to:—“That a committee be appointed to draw up resolutions in favour of the reduction of public-house licences, the limitation of the hours of sale, abolition of the grocers’ licences and the court of appeal, and such other points as might be thought necessary, and submit the same to a further meeting of conference.” On the 10th December a largely attended meeting was held to hear the report of the committee. The finding of the meeting was that with reference to the question raised at the late conference, and anxiously considered by the committee, regarding the evils arising from the union of the grocery and spirit trades, it is desirable, with a view to the ultimate separation of these trades by the legislature, that no new licences be granted nor spirit licence transferred to any person in respect to premises open for the sale of tea or groceries. It was, however, agreed not to press the resolution on the magistrates until the legislature decided as to an alteration of the statute. It will be seen from the return obtained, on the motion of Mr Barclay, M.P., before Parliament, that the number of licensed publichouses in Aberdeen under £10 rent there were no less than 71, and from £10 to £20 of rent 52. The magistrates since have been gradually improving this state of things.’

7975. Do you think there has been some improvement?—Yes.

7976. Do you recommend that a change should be brought about as soon as vested interests will permit?—Yes.

7976.* How do you think the law might be altered so as to do away with the present breaches of it while the grocers’ licences continue?—I see no effective means without separation; but a reduction of the number of licences, and making breaches punishable by the forfeiture of the certificate, would give holders a stronger interest in respecting the law, and whoever had the charge of enforcing the terms of the certificates would be able to detect breaches; so that in that respect the law would be much more easily enforced.

7977. Do you think that if the numbers were reduced detection would be easier?—Yes, detection is practically impossible under the present state of things, however willing the police may be. With the number of houses greatly in excess of the number of constables, if the grocers are really watchful in breaking the law, it is practically impossible to prevent them.

7978. Did you hear the evidence given by the last two or three witnesses?—I did not pay very strict attention to it, as I was looking over my own statement.

7979. They told us that drinking in licensed grocers’ shops was a matter of daily and hourly occurrence, patent to anybody going along the street. One witness said he saw it to-day and yesterday, and that it can be seen several times a day. Is it consistent

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with your knowledge that such a state of things exists?—The state of things does exist. I had prepared a few illustrations, which, however, I did not trouble the Commission with. On visiting houses which it was my duty to do when transfers were wanted, and on going in abruptly, I found drinking going on. I think there will be no question on any side that violation of the certificate is of very frequent occurrence.

7980. Is it a fair question to ask you if you think there has been an indisposition on the part of the authorities to be hard on the grocers?—The duty must be enforced through the police, and it is a very difficult duty, because there are many most respectable gentlemen engaged in the trade, and they are themselves frequently commissioners of police, and on that account the working of the Act through the parties who have really the control of the police is an exceedingly awkward thing. I believe the enforcing of the law will depend very greatly on the disposition of superintendents of police and other officials. In certain cases it will be very fairly and earnestly enforced, and in other cases it will be allowed very much to work itself, and unless attention is directed to violations there will not be much done.

7981. But respectable gentlemen engaged in the trade would not be anxious to allow violations of the law to go on, would they?—I don't think so; but being engaged in the trade, and being commissioners, I think the influence on the police would have the same effect.

7982. Would not respectable gentlemen engaged in the trade be anxious to keep the trade respectable?—It depends very much on what their idea of respectability is. I think it is only fair to say that a good many engaged in the trade look upon this restriction as arbitrary, and not so much a breach of any morality as a matter upon which there is an arbitrary law, and the violation of which is not a very extraordinary evil even if it is done.

7983. I am sure you would not say that if you had not grounds for saying it. You say that some people in authority look on this as really no offence, and rather discourage its active suppression: you say that advisedly?—Yes.

7984. You would not say that unless you knew it to be the case?—I should not say it unless I had a strong conviction that it was true.

7985. Is that conviction inferred from the inefficient prosecution of such cases or from expressions by individuals in authority?—Expressions by individuals, and the marked desire on the part of the trade to be represented in the Commission. When a case is lodged, and fair evidence led against it, I think that as a rule the case is followed out honestly and fairly. I speak more of the vigilance with which cases of breach are looked for.

7986. You don't think, do you, that the police are encouraged to be active in looking out?—In some cases they are encouraged, and in some they are not.

7987. You mean in certain beats, or the neighbourhood of certain licenced houses?—If it were in certain beats that would depend very much on the constable on duty; he might have a friendly feeling towards people carrying on business there, and knowing how disagreeable a duty it is to give information he might not be inclined to watch very closely for a breach, although, if he found one, he would really carry it through. I refer, however, to the action of local authorities and superintendents through the country, and not so much to special beats in this city.

7988. In what way are they encouraged in some and not in other cases?—It would depend very much on the constable and the particular quarter in which he was placed.

7989. You see we want to get at the root of the mischief. Here is a law which, as we see from a good deal of evidence, is systematically disregarded, and you, who have been a magistrate of the city, say you don't think the police are much encouraged to enforce it. Now, it is important to the Commission to know exactly what this means. Are we to take it that it means that owing to the presence of persons interested

in the trade in the police commission the police are discouraged from actively putting down these breaches of certificate?—I should not be prepared to say that it was altogether from the presence of persons interested in the trade in the commission. I should rather be inclined to say that if there was any influence of that kind there would not be the same encouragement for the superintendent to enforce on the part of the men the duty generally of watching these cases very strictly. It depends more on the energy of the superintendent, who is always affected by the tone of the commissioners more than anything else. My observation was directed to Glasgow, where I understood, from the change of the superintendent, the convictions were much more frequent with regard to certain houses than at a former period, as an instance of this.

7990. By whom is this looked upon as an arbitrary law, which does not involve a moral obligation to enforce it?—I think chiefly by those in the business, and by a good many of their customers. Those who go and obtain drink from the licensed grocer, knowing that it is a breach of the terms of the licence, must, in many cases at least, do it from that conviction.

7991. *Mr Ferguson.*—You said there were more licences than there were police to watch them. Can you say how many police there are in Aberdeen?—100, only the half of which number can be on duty at one time.

7992. *The Chairman.*—Have you anything more to say?—Nothing which is not already embodied in my statement.

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| 303. Mr ALEXANDER WALKER, Merchant, Aberdeen. | } examined. |
| 304. Mr WILLIAM SMART, of Farquharson & Co., Licensed Grocers, Aberdeen. | |
| 305. Mr CHARLES SMITH, of Gordon & Smith, Licenced Grocers, Aberdeen. | |

7993. *The Chairman.*—What have you, Mr Walker, to say on the subject of our inquiry?—*Mr Walker.*—I may say that I am here to give evidence to assist you in this inquiry, not as a member of the trade, but to enable you to free the inquiry from the somewhat obvious mist that is put upon it. You have been brought here at a peculiar time and under peculiar circumstances, and the line of evidence led will show the nature of the remarks I have made. With these remarks I am here to give what information I can, derived from 40 years' experience, and for no particular purpose other than the truth. I don't think I am prepared to prove that any good would result from a separation of the trades. I believe that much inconvenience would fall on the public by any such effort. I believe there is no more sin in the selling of good liquor than in the drinking of it.

7994. Does not that depend upon whether you do it according to law?—I am not speaking of breaches of the law. I heard singular evidence given to-day by a late magistrate, which goes for what it is worth. I have to say further that it is known to all who have taken an interest in these matters that for partisan purposes much has been said about the evils of the junction of the two trades, but very little has been proved, and nothing to-night, in my hearing. The trade as conducted might be kept free of much of the evils that are around it were the law as it stands carried out more by those who have the right and the power to do it, if they chose to exercise it. Licensing ought not, in my opinion, to be vested in the burghs in a bench of bailies, any more than it ought to be in counties in the hands of *custos rotulorum*. Neither the one nor the other seem to me safe holders of the power. The rectification will come when the power is an imperial power under imperial control. It will not be got by Permissive Bills nor by the separation of the two trades.

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7995. You say the burgh magistrates and the county justices are not the proper people to enforce the law. Who are?—I say they don't carry it out.

7996. Who are the proper people to do it?—Perhaps the sheriff, under imperial direction, should grant the licences.

7997. I may say, in regard to a remark you made about our being here at a peculiar time, that we chose our own time to come, and we came to Aberdeen because it was the nearest convenient place to Dundee?—I understood you meant to go no further than Dundee, but that you had been asked by certain parties to come here.

7998. We made inquiries as to the state of things in various places—whether there would be evidence that it would be desirable for us to hear. We were informed that we should hear certain startling evidence about evasions of the law, and we thought it our business to come. We certainly have heard startling evidence, and I should like to ask you whether you can or cannot controvert that evidence. Of course, it does not refer to the respectable part of the trade which has been excepted, but to a large portion of the licensed grocers of the city. Are you prepared to controvert that evidence?—I would like to know what it is. I have heard some prepared essays read, but that I would hardly call evidence. One was a shoemaker, and another an ex-constable. It may be evidence of the drinking habits of low places.

7999. I don't think that is a justifiable remark to make. You must not comment on the witnesses who preceded you. I have invited you to contradict the evidence if you can?—I don't know what the evidence is. You have called it 'startling evidence,' and I do not call it evidence at all.

8000. Whether it was true or not is another matter. We have no reason to disbelieve it. It has been stated by the superintendent of police that there has been a great deal of evasion, which he is unable to stop. Much the same thing was said by a former magistrate; and witnesses who gave their names and addresses say that they have seen, in localities which they indicated, frequent evasion of the law. Now, in my humble opinion, that is evidence,—very strong evidence,—unless it is contradicted. Seeing that you seem to have some reason to throw reflections on those who gave it, are you prepared to contradict the evidence,—evidence that a large portion of the licensed grocers in Aberdeen are in the constant habit of selling liquor to be consumed on the premises, and that it is consumed on the premises in a very open manner?—I have no means of knowing. I heard a statement made, but I took it for what it was worth, and I do not believe it.

8001. Then what do you know on the subject of our inquiry?—I am certain that much inconvenience would fall to the public by any such separation as is indicated by this inquiry. I know no reason why the trades should be separated.

8002. The convenience is, is it not, that a great many people like to buy liquors and groceries at the same shop?—Quite so.

8003. *Mr Campbell Swinton*.—Do you know any instances of violation of the law?—I certainly do not. I do not go prying into other people's practices. I speak of what I know of my own personal knowledge, and do not come with any prepared paper here.

8004. *The Chairman*.—You are Dean of Guild of the city, are you not?—Yes.

8005. As Dean of Guild, do you sit among the magistrates?—No, I am very glad to say I do not sit on the bench of bailies licensing; but I do sit in my own court.

8006. *Mr Campbell Swinton*.—Do you know of any violation by grocers elsewhere than in Aberdeen?—I do not; I have heard much, but I know nothing.

8007. And that is the reason why you say you know of no reason for separating the trades?—Yes; and I have in vain searched for it, even in the evidence you have been getting.

8008. *The Chairman*.—Have you anything to add?—I think not.

8009. What have you to say, Mr Smart?—*Mr Smart*.—Nothing, except that I cannot see the propriety of separating the trades. That would, in my opinion, be a great inconvenience to many parties if it were done.

8010. You are doing what is called a large family business, are you not?—Yes.

8011. And conducting your business in a thoroughly respectable manner, I have no doubt?—Yes.

8012. Probably you are much better known to the people living in this city than to us, and they will have no doubt about the way in which you conduct your business. Suppose it is the case, as stated to us, that a great many dealers in the city are breaking the law, and under cover of their licence are carrying on a publichouse business, do you think that does not call for some change to procure an enforcement of the law?—Certainly; but it is in the small shops that that is chiefly done, where people have not been bred to the business.

8013. Have you customers who buy liquor in small quantities?—We stopped selling smaller quantities than pint bottles seven years ago.

8014. *Mr Campbell Swinton*.—None of the working classes are among your customers, are they?—Not a great many.

8015. *The Chairman*.—Is the larger part of your business a wine and spirit merchant's business or a grocer's business?—I have the two trades in about equal proportions.

8016. The separation of the trades would involve your giving up the half of your business?—Yes.

8017. (*To Mr Smith*).—Are your circumstances much the same as Mr Smart's?—*Mr Smith*.—Very similar.

8018. If the trades were separated, how much of your business would be taken away?—Fully one-third,—not a half.

8019. How long have you carried on both branches of the business?—I have been in the trade for about 30 years, and in my present business for upwards of 20 years.

8020. *Mr Campbell Swinton*.—Do any of your customers get drink to consume on the premises?—Never.

8021. They are not of the class that would ask it, are they?—No.

8022. Neither you nor your customers belong to the class of people among whom such breaches of the law are likely to occur?—Sometimes a person coming from England,—I mean an Englishman,—would come in by mistake and ask if we sold drink in that way. Of course he finds out his mistake. Drinking on the premises is not known in respectable shops.

8023. Your customers are not of a class that would propose to do such a thing, are they?—No. I think a means for curing the disease connected with the trade would be if no licences were given to any one who has not been bred to the grocery business, or served an apprenticeship to it. I think the giving of licences to all who come and apply for them has led to many of the things complained of, which we all look upon as a disgrace to the trade. Men go into little shops, and sell drink along with groceries. Perhaps it may be the case that they have only a few groceries to sell, and that they depend more upon the selling of drink. Now, if the licence were given only to those who have been bred to the grocery trade, or who had served an apprenticeship to it, it would, in my opinion, be a great means for curing the evil. Another thing which I do not think would be attended with any harm to the community would be if wines and spirits were not sold in less than a pint bottle. The quart bottle is rather big, in my opinion, to be adopted as the limit. The pint bottle contains 2½ gills, and it would not be a very great hardship to any class of the community if they had to purchase that quantity. This would also tend to do away with the great evil—of which I have heard, although I cannot speak about it from positive knowledge—of breaches of the law committed by grocers. Another improvement I would suggest is that no licensed grocer should open his premises to sell drink

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before eight o'clock in the morning, and that he should close his shop at eight o'clock at night. That, I think, would do away with the class of small shops who depend upon decoying the public after hours or early in the morning. I think all legitimate business connected with our trade could be transacted in the hours between 8 o'clock in the morning and 8 o'clock at night.

8024. *Mr Ferguson*.—Would you confine the sale of groceries to those hours?—I would not insist on that.

8025. The difficulty is that, if a shop is open for the sale of groceries before 8 o'clock in the morning or after hours at night, the evil which is complained of continues to exist?—Yes; but it ought to be understood that no one was permitted to sell spirits after the hours I have mentioned.

8026. *Mr Campbell Swinton*.—Even at present, they are not permitted to sell before 8 o'clock in the morning, but yet there are cases of parties who secure drink before that hour?—In these cases I should think there would be no difficulty in getting a conviction. Another thing I would suggest is, that no grocer should be licensed in a town such as this whose rent was under £40. In any case where a licence was given to a shop with a rent less than that, it should be on a petition from three-fourths of the householders in the district.

8027. *The Chairman*.—Do you think the evils that exist—if they do exist—have been caused by the too numerous granting of licences?—I should think that the evil, when it does exist, lies there. Many of the shops are small places, where no grocery trade is done. In these cases the business is conducted by men who, even if there was a grocery trade, could not manage it.

8028. *Mr Campbell Swinton*.—You have spoken in favour of sealed bottles. Do you think it would be an advantage if the casks were not allowed to be kept in the shops?—I think that would be impossible.

8029. Why?—It might be kept in the cellar.

8030. Would it not be easy to keep the cask in the cellar?—I think it would.

8031. Would not that be a certain security?—It might, and it might not be.

have been agreed to. I cannot conceive the great differences which exist in the manner in which people conduct their business. Evidence has also been given in regard to individuals applying for liquor with open cans, jars, broken tea-cups, and so on. I can say in regard to that that these articles have never been presented to me to be filled with spirits or wine. I desire also to say that I would not do such a thing.

8033. Evidently yours is not the class of house we have been hearing about?—Well, I hope not.

8034. We understand that you do not do such things, and that respectable merchants do not. Unfortunately, the Commission have had numbers of pass-books before them with these very entries in them. That proves that there are people who are carrying on a less respectable trade than yours?—I think that is a bad trade to carry on. The grocers whom I represent are quite agreed to open at 8 and shut at 8. We will be quite ready to accept such a proposal as that. In regard to the police, I shall be happy that a policeman goes through my shop at any time he likes, if he is not in my way. I shall be happy if he does so any day, and at any hour. I shall not hinder him in the least. In regard to the excuses which have been made for the police being unable to detect breaches of the law, I feel humbled in hearing such excuses. It seems that they cannot do their work. What is the use of them? In regard to supplying bottles filled with liquor, I shall be quite prepared to have them all thoroughly corked. Since this inquiry began, in addition to corking the bottles, I have ordered that they shall all be rolled up in paper, in order to prevent children or young people meddling with the liquor. I might also refer to the age at which whisky should be sold. I do not know if it is in my province to do so, but I see that in other places witnesses have spoken on that subject. I think you would hear much less of drunkenness if a law were made that spirits shall not be sold unless they have been two years in bond. If spirits were that age before they were sold, I think they would be medicine instead of poison.

8035. *Mr Campbell Swinton*.—Judging from what you said in regard to your practice of putting up bottles, I do not think you have any objections that the bottles should be sealed?—No; it would only be a matter of keeping a gas burning, and a bit of wax and a stamp.

8036. Then you do not agree with some gentlemen in your trade who say that is impossible?—I would have no difficulty in doing it individually.

8037. Some members of the trade have said that it would be quite impossible, from the amount of trouble involved?—There is nothing impossible about it, so far as I know.

8038. *Sheriff Crichton*.—Do you do a large working-class trade?—Yes; just a middle, respectable class trade,—people who would not do such things as we have heard of.

8039. *Mr Campbell Swinton*.—Do the working classes come to your shop?—I have a good many very respectable people coming to my shop. My business is a considerable degree below Mr Walker's, and that of the other gentlemen we have heard to-day; still, some very respectable people come to me.

8040. *The Chairman*.—Mr Littlejohn, do you generally concur with what Mr Stevens has said?—*Mr Littlejohn*.—Yes; I wholly concur with what he has said. I may just state that I have held a licence since 1835, and therefore have had great experience in every department—wholesale and retail—of the grocery trade. I have had a large retail business for 24 years, principally among what is called the better class of people. A considerable majority of my customers have been the middle classes and tradesmen. I have also had some of the very poorest as customers, and a number of farmers and country people besides. From what I know of the business my impression is that to separate the licence from the grocery trade would not serve the purpose which some parties think it would serve. It would produce a great amount of inconvenience, and be very unsatisfactory to the public. I have a number

306. Mr ROBERT STEVENS, Licensed Grocer,
George Street, Aberdeen,
307. Mr JAMES LITTLEJOHN, Licensed
Grocer, Green,

} examined.

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Stevens;
James
Littlejohn.

8032. *The Chairman*.—What have you to say on the subject of our inquiry, Mr Stevens?—*Mr Stevens*.—I have very little to communicate. I have been requested by those who are in our trade to appear before you, I suppose, chiefly because of the length of time I have been in the business. The last three witnesses who have given evidence represent the merchants who serve the great people in the town. We appear before you as representing the merchants who supply the middle and working classes. In making the few statements I have to make, I feel very much put about by what has been stated by a few of my friends. I have been paralysed by it. I live very near the same locality to which some of them referred; but there must be a purer atmosphere in the precise spot where I live, for I can say that I sell no drink on my premises. It is very seldom ever asked; and if asked from me, it is never given. I have another statement to make. I have seen it in evidence already given before the Commission in other cities, and, as I believe, here also—though of this I am not certain—that a great many females ask drink, and get it put down under the head 'cash,' 'meal,' or something else. I have been in business 40 years, and I declare in the presence of you all that I never had a customer in my shop who made such a proposal to me. I am prepared to prove that. If such a proposal had been made to me, it would never

of customers who send orders from the country, and among other orders one for a bottle of wine or whisky. These parties would feel it a hardship to think that I had to send out to the publichouse and pay 3d. or 4d. additional for it in order to supply them with the commodity. Our sale is chiefly in pint and quart bottles. On one day of the week we fill, arrange, and set past the number which we think we will require for the week. We also sell some liquor in smaller quantities among the poorer people. Some of them come in for perhaps a gill or half gill of whisky or brandy. I generally ask them what they are to do with it. I do not approve of drinking in the way which has been represented in evidence to-day. The people at whom I make the inquiry I have just repeated generally tell me they have been desired to get the liquor for medicine. I would certainly think it a hardship if they could not get that small quantity of spirits at a moderate rate when the rich man gets his gallon or bottle. On these grounds I do not think that a separation of the licence from our business would do the good which some parties anticipate. It would only put the supply of the drink into another and a worse channel. I was sorry to hear the instances which were brought up before you to-day. I think that the business with which I have been so long connected was slandered by some of the evidence. It is easy to make statements, but it is another thing to prove them. I have heard similar statements of that kind, and upon being investigated they always broke down. I would not believe one-twentieth part of it. There may be something in it—I fully believe there is truth in it—but if it came to proof I fear it would break down. In regard to the instances given as to parties getting drink in certain places, if you separate the drink from the grocers these parties would go to spirit shops. If parties are inclined to have spirits they will have them whether they get them in bottles or in any other form. There is a class who are diseased in the matter of drink, and have a craving for it. On the other hand, there is a large class who only use it for legitimate purposes in their houses. Parties who use it in this legitimate way would think it a great hardship—and so would I—to have to pay more for it by getting it through another channel. They might also get a worse article. They certainly would have more inconvenience in getting it. In every trade there are persons who conduct their business respectably; there are some who conduct it in a more respectable manner than others. The grocery business is in the same position as others. I do not know of any grocers who are regularly bred who do such things as have been mentioned to-day. I certainly never had any experience of it. At a time a party will come and ask for liquor to be drunk in the shop, but we tell him that there is a place in the neighbourhood for the purpose of supplying them with drink to be consumed on the premises. I consider that any respectable grocer getting a certificate on certain conditions, if he is a sensible man, will keep to the conditions. I consider myself bound to do that. I know as respectable men as myself who have held the same conviction. They have never been in the way of breaking the terms of their certificate, or of encouraging children or any other class of the community to drink. I never ask a customer to buy whisky. I let the customers ask for it if they want it, along with other provisions. I am convinced that a lot of the evidence in regard to the grocery trade given here to-day is a slander on the grocers and on a portion of the trade in Aberdeen.

- 8041. *Mr Campbell Swinton*.—With regard to the great hardship and inconvenience you say it would be to the public not to get spirits at the place where they get their groceries, do you think that after all it would be so very great? For instance, a man cannot get his drapery where he gets his groceries, and it surely would not be a matter of very great trouble if he had to go to a different shop for his spirits?—No; but the custom of the trade has so long been to supply liquor along with groceries that customers have become used

to it. People would never think of ordering spirits from their draper.

8042. But is it not the case that a large class of the community get their groceries from you or from other merchants and yet go to another merchant for their drink?—No doubt.

8043. Do they find any great inconvenience in that, do you think?—Well, if they are inclined to take the trouble they may have it that way. In this matter I allude particularly to parties who live at a distance, and who send in to the city for the commodities they require. If they had to purchase the liquor at a spirit shop they would have to do it at a higher price. The grocer sells spirits at a more moderate rate than the spirit-dealers. I don't drink spirits myself, but I hear persons say that the spirits supplied by grocers is of better quality than those supplied in publichouses.

8044. Don't you think that the idea of the great inconvenience which would result from the separation of the trades is a little exaggerated?—I do not know that it is. If customers were examined who were in the way of purchasing spirits from the grocer I think their evidence would be that they would find very great inconvenience. I am sorry no such evidence has been produced. I hear customers expressing themselves that way when they discuss the examinations of witnesses appearing in the newspapers. They are parties who would not come unless they were specially asked.

8045. If a separation were apprehended, and if customers apprehended very great inconvenience, would they not come to warn us not to subject them to that inconvenience?—I am convinced in my own mind that it would be a very great inconvenience to have the trades separate. It would be doing an injustice to a large number of the grocers who have served their time to the business and given every attention to it, and fitted up premises for it. I cannot say why they should suffer because certain disreputable parties break the law. Let the certificates be withdrawn from these parties. I dare say it may be the case that some parties might not be inconvenienced by the separation of the trades, but take the working man or the small farmer, who both depend on the grocer having the article to supply him with it. I have seen customers come and buy groceries who had a bottle with them, and could not go into the spirit shop and get liquors. I can easily see the force of their wishing to go to the grocer for their drink. Mr. Stevens mentioned the keeping of the spirits in bond for 2 years. I think that might be a hardship upon some parties in the trade, but I can scarcely think that the keeping of the spirits for that period makes the liquor less intoxicating if a person takes a certain quantity.

8046. *The Chairman*.—What is stated in regard to that matter is that the article is raw and has fusel oil in it, and that even a small quantity of it in that state is often injurious to the health; whereas when taken in moderation, and when properly matured, it does not produce those injurious effects?—I can only say that so far as I have seen the effects of liquor, if a certain quantity be taken that quantity will produce intoxicating effects, and the evils which are complained of.

8047. *Mr Campbell Swinton*.—Is not whisky much better for being kept in bond for two years?—I cannot speak on that subject. I found the liquor connected with my business when I was a boy, and I could not get quit of it without sacrificing my business and inconveniencing customers. As long as it is sanctioned by the legislature, and licences are given on certain conditions, I consider that I had no occasion to refuse selling liquor.

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Stevens;
James
Littlejohn.

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James Catto.

308. Mr JAMES CATTO, Wholesale Spirit Merchant, Aberdeen, examined.

8048. *The Chairman.*—Do you supply dealers from the country?—I supply town and country dealers. I have been engaged in business for 30 years, during 16 of which I travelled in the town. I must say that I never heard of or saw a single case of adulteration in connection with whisky other than mixing water with it, if you call that adulteration.

8049. In what kinds of spirits do you deal?—All kinds—home, foreign, and colonial. The use of new whisky is, in my opinion, injurious to the system, however well it may be made. It has more or less an evil tendency, especially if taken in large doses. With a view to obviate that I would recommend—if Government would only adopt the idea—that no spirits, home, foreign, or colonial, should be allowed out of bond until it had lain there for three years—due notice being given to the trade so that they might arrange their stock. Possibly a term of two years might be made sufficient, but three years would make the stuff perfectly harmless. It could then be used with perfect safety. If this plan were adopted the drunkenness which is so much complained of would be diminished by one-half in the course of a few years.

8050. Raw or new spirit occasions sudden drunkenness, does it not?—Yes.

8051. Is it the case that you never found spirits adulterated?—Yes. In travelling through the town I was so well in the confidence of all my customers that I would have known if such had been the case. They would have told me something about adulterating it if they had done so.

8052. The spirit you yourself have sold has not been adulterated?—Certainly not. I have spoken about adulteration in relation to the liquor I have sold myself and in regard to spirits which had not been sold by myself. I know that adulteration does not exist in Aberdeen.

8053. Have you never found whisky in Aberdeen or elsewhere mixed with foreign spirit—German spirit, or potato spirit?—No. I buy direct from the distilleries.

8054. What becomes of the large quantities of foreign spirit imported into this country?—I believe it is mixed up in the town to which it is imported, and sold principally in the mining districts.

8055. It is thought to be good enough for the like of them, is it?—So I believe. I am not aware of its being used here. I have only come upon one instance, and that is quite lately.

8056. The effect of your evidence is that Aberdeen has not been flooded with this impure spirit?—It has not been done by the dealers here at any rate.

8057. Does it come into some districts mixed?—Yes, from what I hear.

8058. Is brandy also adulterated?—No; not here.

8059. Still you say that none of the brandy which comes into Aberdeen is adulterated?—I don't think it is. I am certain that what is sold in the town by the dealers is not adulterated.

8060. Is spirit-breaking not a regular business?—I never heard of that sort of thing.

8061. Did you never hear of the expression 'spirit-breaking'?—No.

8062. What is the technical term for mixing whisky with water and then making up the flavour with other compounds?—I can't tell you.

8063. You never heard of the thing being done, did you?—Not here.

8064. But you come here as a professional man. Did you never hear of it being done at all?—I never heard of its being done at all.

8065. *Mr Campbell Swinton.*—What means of knowledge have you that persons, after buying unexceptionable liquor like yours, do not adulterate it?—I think that, if such were the case, I would have heard of it.

8066. Would you not be the last person to hear of it?—No. At the time I refer to, I was not selling on my own account, and have no cause to alter my opinion.

8067. Have you not heard of some of the working

classes, and not them only, but people who got very much addicted to whisky, preferring to have whisky which has been a good deal adulterated?—I don't think that.

8068. *Sheriff Crichton.*—What is the whisky adulterated with?—I have no idea.

8069. Did you never hear of such a thing?—I have never attempted it.

8070. But did you ever hear of such a thing?—No; never. We sell it pure here.

8071. Would keeping improve the German spirit?—I am told that keeping does not improve it. I have no experience of it. I never had a gill of it on my premises. I believe a great deal of what is imported is again exported to Africa and other places.

8072. Would it be easy to detect spirits mixed with German spirits?—I expect it could only be detected by drinking them. You could not detect it by the flavour.

8073. Would a chemist be able to detect it?—I fancy he would.

309. Mr WILLIAM POPE, examined.

8074. *To the Chairman.*—I am a detective officer in the Aberdeen police. Have been so for eleven years past. Part of my daily duty is to watch licensed houses; and if we see anything wrong, we proceed against them. We don't see much, for the windows and doors are so obscured that it is impossible to see what is going on inside. I believe drinking in grocers' shops is of common occurrence. My reason for thinking so is from seeing people in the practice of drinking going in and out of them. We never report unless we see them in the act of drinking. Some of them are very sharp hands; and when we go in then splash the drink into a pail of dirty water, or somewhere out of sight. When passing the shops, and see parties at the end of the counter, we go in and everything disappears. We sometimes make a catch. We are quite well known to them, though in plain clothes. In the lower localities a watch is often kept at the door. We never see drunkenness in the upper class of shops. Have seen people going in, and believed it was for drinking, but couldn't say for certain. Many shops do a good deal of drinking in the shop. We are never discouraged by the commissioners of police or any of our superior officers in bringing cases forward. I would recommend curtailed hours. Sometimes they are open up to 12 and 1 o'clock—on Saturday nights and Sunday mornings particularly. The grocers are very late in shutting, and are up and open one or two hours before the publican. I believe they open for drink. I would also recommend that the interior of the shop should be visible from the outside. There are no shops in the practice of doing it that you can see the interior of when standing at the door. They don't care who sees them so long as the police don't. Have often seen a good case when single-handed, and no one to corroborate. The magistrates will not take single word against the dealers. In the lower localities some shops have not much to depend upon except drink. If they were to refuse it, they would lose custom. It has always been much the same in my experience. The publicans are not so bad; some transgress a little; but, on the whole, are not much to be complained of. We have no difficulty in catching the publicans through the week, but on Sundays it is difficult. A breach by a publican is more easy to detect than by a grocer. We never report unless the parties are actually drinking, or have glasses with dregs of liquor in them. As a rule, two of us go together; on Sundays always together. Have had convictions for Sunday drinking against all classes of houses—hotels, publicans, and grocers. I think this work deters us in our criminal duties, for a person had up for infringing his licence is not so ready to give information. I can quite believe the evidence of people who say they have seen it recently. People often tell us they have seen it, but refuse to assist in

giving evidence, and, when asked to give their names, go away. The construction of the interior of the shop often prevents us getting in in time to catch. We are rather particular with shebeens, and require actual evidence of drinking until we get one conviction; after that, finding drinking utensils or people drunk on the premises is sufficient. Have seen women drinking in

grocers' shops, and have reported grocers for drinking with women only. Most of the evil is done in the small houses, and the most aggravated cases are late at night. Think it would be a good thing if no cask on tap was allowed in the shop.

Adjourned.

ABERDEEN.

—
William
Pope.
—

ABERDEEN, MONDAY, 5TH NOVEMBER 1877.

Present :—

Sir JAMES FERGUSON, Bart.
Mr CAMPBELL SWINTON.

Sheriff CRICHTON.
Mr J. FERGUSON.

SIR JAMES FERGUSON, BART., IN THE CHAIR.

310. Mr JAMES SMITH BRAZIER, Professor
of Chemistry in the University
of Aberdeen, } examined.

8075. *The Chairman.*—We have asked you to come here to-day in consequence of a good deal of evidence, chiefly in the way of allegation, that spirits are commonly sold adulterated, at least in a state that is very unwholesome, probably from their newness: I would ask you whether you have directed your attention to this particular subject?—I have.

8076. Have you made analyses of samples of spirits that are exposed for sale?—I have examined some samples; I have not made full analyses of them.

8077. Were these samples taken in various quarters?—No, the analyses have been made principally for my own interest,—very few samples being sent to me under any public authority.

8078. But you are quite well informed as to where they came from, are you not?—Yes. Most of my examination was done under Mr Watson, who was sheriff here some years ago. He asked me to examine several samples for him; where he got them I don't know.

8079. Will you give us the result of your examination of any specimens the source of which you know?—I had a specimen brought to me from a town in Kincardineshire by a police officer.

8080. Was that specimen from a publichouse?—Yes.

8081. Was there anything particular about that specimen?—It appeared to me as a chemist to be extremely new whisky. Perhaps you would like me to define what I call new whisky.

8082. Yes, and what its characteristics are which are unfavourable to health?—In the well-known fermentation of corn, potatoes, and so forth, there being no acid present such as tartaric acid, there is produced a large quantity of what the commercial man calls fusel oil. There is a good deal of it in vapour, and in good ordinary whisky this goes off to some extent. While the vapour is diffused through the substance it appears to me to be extremely injurious. It is well known that fusel oil and its vapour acts far more energetically than ordinary alcohol. If in alcohol it is far more vigorous than the common alcohol, and if taken into the system it acts even to madness. It produces stupefaction in some, and frenzy and madness in others. At the same time, besides this, which is the popular understanding in respect of the bad condition of ordinary whisky, it is my opinion that there are many other subtle fluids or vapours produced in the fermentation, or subsequent distillation, and until these are got rid of, the whisky is still extremely pernicious.

8083. Do these pass off of their own accord from whisky kept in cask?—They would do so during what we call ripening of the fluid. I would imagine that some of these fluids are produced when the crude material is being distilled or redistilled. It passes through pipes, and if these should get superheated the body of the stuff is decomposed, and those deleterious

bodies are produced which the chemist can only detect by his nose. Many vapours are decomposed in passing through the tubes. The pungent odours we feel when we smell new whisky, besides the presence of fusel oil, are due to some such effect.

8084. Was the fusel oil present in the specimen to which you have referred to an extent which was likely to produce abnormal effects?—There was fusel oil and an extremely pungent vapour. In all whiskies you will find fusel oil; whisky owes its flavour to that, or rather it is due more to the vapour of it which has not yet gone away, and which may hang about the fluid for a considerable length of time. There is a great difference, for example, in smelling a bottle of fusel oil which is a true alcohol, and putting your nose to a similar bottle where that fusel oil has been recently redistilled—the vapour is so extremely strong.

8085. Would pure fusel oil be an active poison?—It is a poison to a considerable extent.

8086. How does the fusel oil at present in grain spirit effect the organs?—I can hardly answer that question, which is more a physiological one. It mixes with whisky to a larger extent than it should. In its vapour especially it seems to act on some so as even to produce partial madness, frenzy, and so on—super-intoxication, in short. Others it affects no more than to stupefaction.

8087. Does it act directly on the brain?—Yes.

8088. *Sheriff Crichton.*—We were told in Glasgow that it is rapidly absorbed by the brain?—The vapour of it would be absorbed by the blood and act on the brain. The vapour is much heavier than ordinary alcohol; and it is an alcohol of its kind.

8089. *The Chairman.*—Have any of the samples of whisky that have been submitted to you, contained any elements over and above those proceeding from the newness of the samples, and amounted to positive adulteration?—I have never met with a case of positive adulteration of whisky.

8090. Would you be able to detect if the grain spirit had been mixed with potato spirit or other foreign elements not actually antagonistic to it?—I would hardly be able to detect potato spirit from coarse whisky—the potato spirit containing much the same ingredients, pure alcohol and also fusel oil. The potato spirit and the oat spirit must be much of the same character. They are both of them bodies which contain no acid—that is to say, the potato and corn contain no acid; and when that is the case the result is a mixture of what we call alcohols, of which alcohol proper is one and fusel oil the other. I might illustrate it in this way. If you have grapes fermenting you find no fusel oil, because the tartaric acid prevents it. This is the contrast between the two kinds of fermentation.

8091. Perhaps it would be hardly part of your general consideration whether spirit distilled from beet or potato was more or less unwholesome than that from grain?—No, the spirit is of the same order.

8092. Can you say what time spirit distilled from raw grain or malt ought to be allowed to rest in order to

James Smith
Brazier.
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*James Smith
Brazier.*
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allow the injurious elements to pass off?—No. I may say this much, that a great deal must depend on how the substance is exposed. If, for example, the fluid was to be in a tube hermetically sealed, no change would take place from one year's end to the other; but if it were put into a bottle which was simply corked, a change must take place, but it would be very slow. It would be much more rapid in a cask closed tightly by a bung; and still more rapid in a cask not tightly bound, but covered up by a sod of turf after the old-fashioned process.

8093. Did that allow of some escape?—It allowed a quantity of those deleterious vapours to pass off without much loss of spirit.

8094. *Sheriff Crichton.*—Would the wood absorb much of it?—If we are to understand what experience tells us, it seems that the wood does take up some part of it; wood acts differently from glass in this matter.

8095. *The Chairman.*—You have not had samples submitted to you, have you, labelled respectively publichouse whisky and grocers' whisky?—No.

8096. Have you examined any samples of rum and brandy?—No.

8097. Are you aware of the properties of spirits distilled from molasses, and of the time they should be kept to make them wholesome?—No.

8098. *Mr Campbell Swinton.*—I presume that if the counties of Scotland carried out the provisions under which they are entitled to appoint public analysts, those analysts would have no difficulty in getting samples from different places to ascertain how much deleterious matter was in them?—They should not. It might be more difficult to give a name to those particular aromas I have been alluding to; they are hardly tangible by the chemist.

8099. But they would be able to see what was wholesome and what was not wholesome whisky?—Yes. I have not come across a case of thoroughly adulterated whisky.

8100. Whisky kept for a number of years would be safe, would it not?—Distinctly.

8101. We have been told by many men of some degree of authority that no whisky should be drunk until it is two or three years old?—I understand that perfectly. I can hardly call myself an authority to say how long it should be kept; but the longer it was kept the less harm would it do on account of the bodies I have mentioned.

8102. *Sheriff Crichton.*—Do you know what percentage of fusel oil there is in new-made whisky?—There should be but a small quantity. It is the object of the distiller to take it all out, leaving only small portions which hang about the body of the spirit as a vapour. There are two or three chemical processes employed to take it all out; therefore there should be a minimum.

8103. *Mr Campbell Swinton.*—It is said that it is all taken out of the Encore Whisky; do you know how they get it out?—Encore just means re-distilled. They must use some process to free the liquid of fusel oil entirely besides the ordinary processes.

8104. *The Chairman.*—Is there anything further that you can say that would enlighten us in this matter?—No.

8105. The cure seems very simple so far as we have got at it—namely, to keep it a little longer?—Yes.

whole of the districts. The return shows that in 1854 there were 177 grocers' licences, while in 1876 there were 145. There is an apparent decrease there, but it is more apparent than real, because in 1872 the boundaries of the town were extended, and a large number of those in the Aberdeen district were transferred from the county to the town. You will observe that the number of grocers in the Aberdeen district in 1871 was 75, while in 1875 it was 27. It thus appears that 48 were struck off in the way I have mentioned. There is, however, no actual decrease in the number of grocers' licences; they remain about the same.

8107. Have the justices laid down any scale or principle—I mean in the separate districts?—No; they judge each case as it comes before them.

8108. Has there been a disposition to restrict the granting of licences to grocers more than there was some years ago?—I can only speak with regard to the Aberdeen district. I think there has been rather a disposition to keep them within as narrow a limit as possible. In former times the tendency was to grant grocers' licences in place of publichouse licences, but latterly the justices have been as strict with the one as with the other.

8109. Can you say that that altered disposition was in consequence of a belief on the part of the justices that the licences to sell liquor not to be consumed on the premises were abused?—I am not sure of that. In the case of all kinds of licences the justices have shown a tendency to keep them within limits. I daresay the motive you have mentioned may have urged some of the gentlemen to restrict the grocers' licences. As I have mentioned, however, there was formerly rather a tendency to grant grocers' licences in preference to publichouse licences in the idea that they were less abused than the others might be.

8110. I was putting that question to you because in your letter you say: 'I cannot say I have any means of knowing whether the facilities thus afforded tend to increase the use of spirits'; but this is not so likely to be the case in the country parishes as in the town?—I am of opinion that there are not so many grocers' certificates, in proportion to the population, granted in country districts as in towns. This is borne out by the fact that so many grocers were struck out in 1872 in the urban parts of the district of Aberdeen. As many as 48 were transferred from the county to the town in that year, and very few inns, hotels, or publichouses.

8111. Can it be generally said to be the case that in the country parishes grocers' shops where spirits are sold are numerous?—I don't think that they are.

8112. As clerk of the peace, do you attend the Small Debt Court?—We have no Small Debt Court for the justices of the peace in Aberdeenshire.

8113. The operation of the grocers' licenses has not come very much under your own observation, has it?—Not particularly.

8114. Are you aware, from your frequent contact with the justices, what the opinion of the county is on the subject?—Of course it is very various, and I cannot say that I could give any good idea of what it is.

312. *Mr JAMES RAIT, Land-Steward, Castle Forbes, Aberdeenshire, examined.*

311. *Mr JAMES AUGUSTUS SINCLAIR, Clerk of the Peace for the County of Aberdeen, examined.*

8106. *The Chairman.*—You have already given by letter the number of licences granted during recent years in the county?—Yes; I supplied the figures for the years from 1854 to 1876. The county is divided into eight districts for licensing purposes. There is only one of these under my immediate supervision, viz., the Aberdeen district, which contains the parish of Old Machar beyond the burgh, and five or six other parishes. The other districts are under the charge of the district clerks. I have given you the total for each year in the

8115. *The Chairman.*—You have, I believe, long taken an interest in the liquor traffic?—Yes, I have.

8116. What have you to say with regard to the operation of grocers' licences?—In the district in which I reside several have been withdrawn, very much to the advantage of the district in which they were. I have not heard any complaint on account of the want of them.

8117. Is there any grocer's licence in that district now?—There is still one in the parish in which I reside.

8118. That is the parish of Keig, is it not?—Yes. There was one licence there which was withdrawn, and the place was altogether different after its withdrawal. In the neighbouring parish of Tough there is none.

ABERDEEN.
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James Reid.
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At one time there was one, and I believe since its withdrawal the district has much improved.

8119. How far have people in the parish to send for spirits if they want it?—There is not a village in the parish.

8120. How far have people living in your immediate neighbourhood to send?—Some of them are within a short distance of the place where they can obtain liquor; others are between two and three miles away. They are three or four miles from a publichouse.

8121. Then people are more sober now in circumstances in which it is very difficult to procure whisky?—I believe they are. Near the licensed grocer's, however, you will find people lying in twos and threes and fours drunk.

8122. Where is that licensed grocer's house situated?—About the centre of the parish.

8123. Some of them want the whisky, and go to the grocer's and drink it in the open air?—Yes. They take it to the side of the road, I may say much to the danger of those who are passing by.

8124. They drink it there or anywhere else, do they?—Yes. They have plenty of fresh air, and they get as drunk there as they could possibly get anywhere.

8125. The only way to obviate that evil is to have a publichouse or give them no whisky at all?—I suppose so.

8126. Do you think there is much drinking in the private houses?—I believe there is less now than there once was.

8127. Do you know if there is any illegal drinking in the grocer's shop you have mentioned?—I never saw it.

8128. Do you think it goes on there?—I can't tell.

8129. Have you heard whether the whisky is worse in that shop since no competition existed?—I never heard of that. I know the licensed grocer, or at least I knew the one who kept the shop up to January last, when he died. He was one of the most respectable men in the whole place, and tried to keep the mischief caused by the drink to a minimum, but it appears to be irrepressible.

8130. Did he try to carry on the grocery business without whisky?—No, but he tried to conduct the business with as much regularity as possible. It appears that the mischief arose in spite of him.

8131. How many of the licences do you say have been taken away altogether in that district?—Two have been withdrawn within a short distance.

8132. What would be the value of the houses from which the licence was taken?—One of them would let as a grocer's shop at £15 a year, and the other at about £25.

8133. Then they were rather of the higher class of houses for that district, were they?—There are much worse houses in it.

8134. Were the houses of a considerable size?—They are pretty good houses.

8135. Your opinion, I suppose, is that the less opportunities there are afforded for drinking the better?—Certainly that is my private opinion.

8136. Is that the substance of what you would say to us?—What I would rather say is that the mischief arises from combining the sale of drink with the sale of groceries.

8137. How do you find that operate injuriously?—People come to the grocer's shop very readily, and it is while they are there that they get drunk. I have seen farm servants go there and get drunk. When they got it they went out and stood by the side of their horses and drank it. In cases where there were more than one servant, one would leave the horses and go into the shop and bring out the liquor.

8138. Was it better for them to do that than to go and sit in publichouses?—I don't know that it was.

8139. Don't you think that on the whole it was better, especially if they left their horses standing, to go into the publichouse?—I don't think they would have gone to a publichouse at all.

8140. We understand you to say that the union of the provision with liquor trade is bad because people are tempted to get drunk when they go for provisions; but as regards drinking the whisky, is it better to drink

it outside the grocer's shop than to drink it in a publichouse?—They go to the grocer's shops so often, and they can go there more quietly, while if seen going to a publichouse they would be more marked and taken notice of. In a grocer's shop they can do it much more quietly even although they take it outside.

8141. But the use that is made of the whisky from a grocer's shop is not the buying a quantity which may be required and taking it away for family use; it is simply using the shop as a dram-shop?—I am aware that there is a good deal taken from the grocer's shops in small quantities.

8142. Some of the witnesses have told us that the licensed grocer fulfils a useful office in providing liquors that are wanted for necessary family use, and that they sell small quantities which are taken home and used as an article of diet: has that come under your experience?—I cannot say that it has. It is likely that they do that, but I don't use any myself.

8143. *Mr Ferguson*.—Do you think that working people are in the habit of using whisky along with their dinner as a matter of usual occurrence?—They don't do so in any case so far as known to me.

8144. *The Chairman*.—You gave evidence before the Commission of 1860 on the Public Houses Act, and you were asked: 'If you took away the licence from the grocers you would require publichouses?' and you answered, 'There are plenty not far off.' You were then asked: 'Why should they be on other people's ground and not on yours?' and you answered, 'I have no objection to their being removed from other people's ground.' The next question put to you was: 'But would you rather have the trades conjoined, or separate the trades and have a publichouse?' and you replied, 'I would much rather have a publichouse and separate the trades.' That is, if you must have a house at all?—Yes. I am aware that those who have suffered by their relations through drink have said expressly that there is more danger to their families through the grocer's licence than through the publichouse.

8145. You told that Commission that there was a great improvement in the previous nine and a half years in the habits of the people,—that there was less drinking and more reading: has that improvement gone on?—There happens to be a different arrangement with a number of the working people. A number of strangers have come to the district, and for two or three years past there has been a much worse state of things than formerly. That is chiefly the case in the neighbourhood of the licensed grocers.

8146. Then you would be afraid that they have rather gone back?—Fifty or sixty strangers came to the place to work at wood. They have brought unsteady habits along with them. In the neighbourhood of the licensed grocers very often on Saturday night the state of things is very bad. If there were no licensed grocers near the locality it would be improved, in my opinion.

8147. *Mr Campbell Swinton*.—Is that outside drinking or drinking on the road done with the connivance or knowledge of the grocer?—So far as known to me it is not.

8148. He does not lend them tumblers or anything of that sort, does he?—I am not quite sure about that.

8149. You said, I think, that he was a respectable man?—He would not always be present himself. He was a cattle-dealer and a farmer. There are young lads in the shop, and you cannot always say what they will do. It appears to me to be a subject for consideration whether it would not be advisable to prevent young lads selling drink as well as young people from buying it.

8150. *Mr Ferguson*.—What are the ages of the young lads in the shops?—They are possibly about thirteen years old. It is a matter of fun to them to see the drinking going on.

8151. *Mr Campbell Swinton*.—Are not agricultural labourers, generally speaking, a sober class?—They were more so at one time than they are now. Since the wages rose they have gone to the grocer's shops and bought drink and taken it home with them. There is a heavy complaint on the part of farmers as to the way their servants do now compared with what they used to

ABERDEEN. do, and more especially with regard to the licensed grocers.

James Rait. 8152. Has the drinking you referred to increased chiefly amongst the wood labourers who have come to the parish?—I believe the increase is chiefly amongst them.

James Wilson. 313. Mr JAMES WILSON, Superintendent of Police, Montrose, examined.

8153. *The Chairman.*—How long have you been at Montrose?—Four years.

8154. How many licensed houses are there in Montrose?—About 65.

8155. How many of these are grocers?—40.

8156. How does that number compare with the number five years ago?—There were 47 grocers in 1871.

8157. How many licensed houses were there altogether in 1871?—76.

8158. Are the magistrates trying to reduce the number of licensed houses?—Yes. At the licensing courts they have endeavoured to keep them down as well as they possibly could. The licences of grocers have been withdrawn in cases where there were convictions against the parties.

8159. Then there have been licences withdrawn as well as refused?—There were two convictions against one party, and the licence was refused at the next court. One person had his licence cancelled on the first conviction. This was in the case of a man who was constantly employed elsewhere, and who had a female servant keeping his shop.

8160. Are the magistrates refusing new licences at the present time?—Since I went to Montrose they have refused new licences to grocers.

8161. Have they refused any to grocers who were in a large way of business?—No. I believe there has been one licensed since I went to Montrose.

8162. Have most of the larger grocers got the licence?—There has been only one granted since I went.

8163. Can you inform us if most of the grocers in a large way of business have the licence?—Yes, with the exception of one or two.

8164. Then the magistrates are refusing them to small houses?—They do refuse them to those houses.

8165. Are cases of drunkenness more or less common in Montrose than when you went there?—I cannot say that they are less common. I might indeed venture to say that they are less. The cases that have come under the notice of the police are considerably reduced; so that drunkenness does really seem to be on the decrease. On the other hand, it must be remembered that the population is rather decreasing. The population in 1861 was 14,563; now it is only 14,548. This shows a decrease of 16. There was a considerable reduction in the population there before the first-mentioned year.

8166. Have you been active in arresting drunken people?—Yes, we do all we can in that respect.

8167. Along with that activity in arresting, has there been any reduction in the cases?—There does seem to be a reduction.

8168. Have there been any convictions against grocers since you went there as superintendent?—Four.

8169. Have you reason to suspect many cases of breach of certificate which you did not detect?—There is no doubt of that.

8170. Are there many licensed houses that you suspect of allowing liquor to be consumed on the premises?—The smaller grocers are the worst for that.

8171. Do you think a good many of them do that?—Yes.

8172. Why are your officers not able to detect these breaches of the law?—There are always precautions taken to prevent detection. For instance, they have their windows almost entirely closed up, so that it is impossible to see what goes on within. Some of them have red screens on their doors, or distillers' and brewers' placards put on so that they serve the same purpose. You can scarcely see in even at the door. It

is therefore very difficult for an officer to detect anything wrong going on inside by merely glancing in as he passes the door or the windows.

8173. Can you say it often happens that an officer suspects something wrong, tries to detect it, and just misses it?—The officers either go in too soon or often too late; the thing is done like a flash of lightning.

8174. Would it be a great assistance to you if the inside of the shop was quite visible from the outside?—It would.

8175. But even then would you be able to prevent drinking on the premises?—No, I could not go that length.

8176. Do you believe that the licensed grocers put people on the watch?—Yes, I have seen people standing at the door watching. I think that is of frequent occurrence.

8177. Can you say what proportion of the 40 licensed grocers in Montrose are probably breaking the law at the present time; or what proportion of them do you suspect of breaking the law?—I could not say how many I suspect.

8178. Would there be a dozen?—Oh yes, there is a dozen.

8179. Do you suspect drinking in the back shops or in the houses of the grocers?—There is more drinking goes on in the back shops than in the grocers' own dwelling-houses.

8180. Are the dwelling-houses generally connected or disconnected with the shops?—A good number of them are connected.

8181. What sort of people are they that drink in the licensed grocers' shops?—They are generally of the labouring class of people.

8182. Are they much the same class as those who go to the publichouses?—They are much about it.

8183. Why do they go to the grocers' shops and drink liquor when they have this difficulty to contend with, when they could without fear of interruption drink in the publichouse?—They can get it done on the quiet. In the grocer's shop it is done on a quieter system. When they go to the grocers' shops they go ostensibly on some other errand than to procure drink.

8184. Do you think women drink much in the grocers' shops?—I believe some of them do a good deal of that.

8185. Have you reason to think so?—I have reason to believe that they do it.

8186. Do you hear of grocers' shops being blamed for leading women to drink?—I have.

8187. Have husbands told you about their wives?—In some instances they have.

8188. Have you heard of cases of accounts being disputed on account of their embracing charges for liquor?—Not in Montrose.

8189. Do the licensed grocers allow people to drink beyond or out of publichouse hours?—One of our convictions was against a party who sold liquor before 8 o'clock.

8190. Do any of the grocers open before 8 o'clock?—Not generally.

8191. What class of them open before 8 o'clock?—The publicans might open a little before 8.

8192. Publicans cannot open before 8 o'clock. What class of grocers open before that hour?—Generally the smaller class; at least they are open pretty sharp by 8 o'clock.

8193. Are they not open before 8 o'clock?—No.

8194. They can open for the sale of groceries if they like before that hour?—But they don't do it.

8195. Do any of them keep open at night after 11 o'clock?—No.

8196. Have you had reason to suspect any of them of selling drink on Sunday?—No.

8197. Is there anything you would suggest for the improvement of the law besides this, that all licensed shops should be open from the outside?—I think there should be great care in granting licences at first. The magistrates should see that people are really respectable—that they are men of careful habits.

8198. Do your magistrates personally inspect the

premises for which new licences are asked?—They generally inspect the premises, and make themselves familiar with the house before they issue the licence.

8199. But so far as you are concerned you would have most confidence in the observance of the law by having thoroughly respectable people in the business?—Decidedly.

8200. There will always be a great temptation to sell drink to be consumed in the shop, will there not?—Yes, especially in the smaller shops, because the smaller shops have harder to drive for a trade. The large grocers do a considerable business in other things than spirits, and they have far greater stir in their shops, and the drink cannot be got there in such a quiet, smuggled way as in the smaller shops.

314. Mr DUNCAN CUMMING, Licensed Grocer, Montrose, examined.

8201. *The Chairman*.—What have you to say on the subject of our inquiry?—I have been requested to draw up a statement which I will now read.

8202. By whom have you been requested to draw it up?—One of the grocers said to me that I would require to state what I had to say. He was not with me when I drew up the statement. He simply said it would be required that I should do it.

8203. How long have you had a licence?—For 26 years.

8204. What is the annual value of your premises?—£14.

8205. Then you are one of the smaller class of licensed grocers, are you not?—My rent is not so large as the rents of some of the grocers, but I do fully as much business as some of them.

8206. Will you now kindly read your statement?—My statement is as follows:—‘I have held a licence for 26 years. The great majority of my customers are of the working classes. I have never supplied any person with liquors of any kind and marked them in pass-books or accounts by any fictitious name, nor have I ever been requested to do so. I believe intemperance is decreasing, and that very much so of late years; but wines, spirits, and malt liquors are much more generally used than formerly. I have no proof that intemperance is increasing amongst respectable females. A large proportion of my sales are in less quantities than a quart bottle, two gills being very common. I do not recollect of ever selling a quart bottle of any kind of spirits to a working man for medicinal purposes—all my sales for such a purpose are in small quantities. Nearly all the gin I sell I believe is for medicine. Wines and gin I sell daily for that purpose; brandy not so regularly. I sold brandy, wine, and gin to a considerable number of persons on Saturday for unwell people, mostly gills or two gills, some of whom I believe would not have been able to buy a bottle. On Thursday and Saturday I sell a considerable quantity of spirits and malt liquors to working men, hardly one who is not sober and industrious, and morally, I think, equal to any class of men in this country. I think generally the grocers of Montrose obey the law. With few exceptions it would be hurtful to their business to do otherwise. Keeping out of account one wine-merchant (who of course has a grocer's licence), and two co-operative societies, nineteen-twentieths of the grocery trade is done by the licensed grocers. Before the passing of the Forbes M'Kenzie Act, we considered ourselves obliged to sell to be consumed on the premises. Even then most of us refused to certain parties. I, and many more, were glad when it was made illegal. For some years after that I think in some shops the law was broken, but at present my opinion is that the practice is almost stopped, if not altogether. Dram-drinking and a retail business cannot thrive together. The proposed restriction of the

sale by grocers of not less than a quart or pint bottle would be doubtless injurious to the grocer, a hardship to many poor people, and would, I think, promote intemperance. In regard to the separation of the trades I can see no good that would come out of it. It would very much inconvenience the public, and likely increase prices.’

8207. You will admit, I suppose, that there are a good many people in the trade who have got little business besides the selling of spirits?—I think there are very few now. Before the Forbes M'Kenzie Act was passed there were in Montrose a good many shops which sold almost nothing else than spirits consumed on the premises. When the Act passed several of those shops took up the selling of groceries, and carried that on as well as the selling of spirits—mostly spirits, as before. I don't think that any grocer who has really a grocery business does anything of the kind—I mean, sells to be consumed on the premises. I could not carry on a business of that kind, because every five minutes or so I have people coming into the shop. A policeman could easily see if my door was open what was being done inside.

8208. Do you think it is much to be desired that the trade should be kept in respectable hands, and that the interior of the premises should be so arranged that anybody passing could see what was going on?—Yes. I have no objections to that. The windows are mostly open, I think. They are certainly not more obscured than drapers' shops or other shops. I am certain that that is the case with a number of shops at all events.

8209. You think they are not more obscured than publichouses, for instance?—They are not so much obscured as publichouse windows and doors. Doors are almost always open except on a very stormy day.

8210. Do your working class customers send their own bottles for their spirits?—Generally; but sometimes we sell bottles and spirits.

8211. Have you lads assisting you in your business?—Some of my own family assist me.

8212. Are some of them young people?—There is one lad between sixteen and seventeen years of age.

8213. Is it not a bad thing that lads of that age should have to measure out whisky and have whisky going through their hands in that way?—Not to the people who buy it. A person the worse of drink never comes into my shop.

8214. Do you not think it a bad thing that shop lads should have to pour out and sell spirits in that way?—I cannot see that there is any difference between selling that and anything else.

8215. Is there not a temptation to lads who pour out whisky and sell it in that way to take a little to themselves?—I went to the business when I was quite young, and I never felt inclined to do anything of that sort. I never heard of any one learning to drink in that way. I never felt inclined to drink it at all.

8216. But you do drink spirits in moderation?—Some days I may take half a glass; but not through the day—only at supper time.

8217. You never had any fear of your family acquiring a taste for drink, had you, from having it so much in their hands?—No.

8218. Suppose the law were to require that you should not keep any spirits on tap in the shop, but that whatever quantities were sold should be sold in bottles corked up beforehand, do you think you could carry out that?—Yes.

8219. It would put you about a little at the first, would it not?—Possibly it might. It would be more work, but not very much perhaps.

8220. If it is done with the intention of preventing whisky being sold to be drunk over the counter, do you think it could be managed?—I think so.

8221. *Mr Campbell Swinton*.—It is meant by that that you should keep casks in the cellar or elsewhere?—Yes, I suppose it is. That would be a little inconvenience.

8222. But the inconvenience is not so great as to form an insurmountable obstacle?—I don't think it is.

8223. *The Chairman*.—You know the quantity you

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would sell from week to week, do you not?—I would know the quantity I would sell in some weeks. Sometimes I sell gallons or half gallons to a private family or to private individuals. That would put up the sale for the week. I would sell perhaps between 12 and 15 gallons per week, exclusive of the larger quantities.

*William
Masson.*

315. Mr WILLIAM MASSON, Provost of Kintore, examined.

8224. *The Chairman.*—How long have you been provost of Kintore?—For five years.

8225. What is the population?—A little over 600.

8226. How many licensed houses are there?—At present four—two hotels and two licensed grocers. I beg to say, however, that we do not depend so much on the burgh for our customers as on the country around. We draw our customers from the surrounding district. There would not be much support for the licensed houses if their support depended entirely on the burgh. In some cases one would have to go three or four miles before coming to another licensed grocer's.

8227. Have you been reducing the number of licensed houses in the town?—They are reduced now as compared with twenty years ago. The making of the railway made some difference in the town. Not so many vehicles passed through it after that. Twenty years ago there were 3 inns and publichouses.

8228. What is your own profession?—I ought to state that I am one of the licensed grocers. I keep general stock besides, and am what is called a general merchant.

8229. You don't act in the licensing court, do you?—No. I have held the licence since 1871.

8230. Have any grocers been refused licences?—We have had no applications.

8231. Are there any grocers who are not licensed?—Yes,—at least two.

8232. Are they in a large or in a small way of business?—In a small way. They are kept by women, who deal in other articles besides groceries. The post-master, who is a druggist, also deals in groceries.

8233. Have you prepared any statement which you would like to make?—I have jotted answers to a few of the questions. In regard to No. 3—the system adopted by local authorities for the limitation of the numbers, or in regard to regulations and bye-laws—I have to say that we have no bye-laws, and that there have been no applications for additional licences.

8234. Is there any sale of spirits by you or any other licensed grocers, as far as you know, in open vessels?—That is a practice which is not known to us at all. Our sale is all in sealed or well-corked bottles. I don't remember a single instance of being asked to sell drink in open vessels.

8235. Do the parties generally bring their own bottles with them asking for spirits, or do you furnish them with a bottle?—We have the bottles ready corked or sealed.

8236. *Sheriff Crichton.*—What are the sizes of the bottles you sell in that way?—We have two gills, pint, and quart bottles. Pint and quart bottles are chiefly sealed.

8237. You have these ready to hand, have you, when anybody comes in for drink?—Yes.

8238. *The Chairman.*—Are your customers rather of the upper class than of the working classes—I mean those who require spirits?—We sell to all.

8239. But you don't sell in drams, do you?—No.

8240. Do you sell in half-gills and gills?—They sometimes come to us for these quantities and bring their bottles with them.

8241. *Mr Campbell Swinton.*—You would not object, so far as your business is concerned, to sell liquor only in sealed bottles?—I would not. I have an impression, however, that that would increase drunkenness.

8242. Not if the bottles were small?—No. What I think would increase drunkenness is making the people take larger quantities than they really wanted.

8243. *The Chairman.*—If they could not sell less than a quart or a pint, and if customers wanted smaller quantities, they would have to go to a publichouse, would they not?—They would be obliged to do that. They would rather have it from the grocer, however—at least that is my impression. They prefer almost any quantity from the grocer.

8244. Why do you think that is the case?—Because they get better quality from the grocer. I believe that in many of the publichouses the quality is very bad and the price is much dearer besides.

8245. Do you take liquor out to the country to order when you get orders from the country?—When liquor is ordered I deliver it. I keep no cart or anything for delivering.

8246. But you have frequently occasion, have you not, to send goods to order to customers?—Yes.

8247. Would it be a great inconvenience to you and your customers if you were not allowed to do that?—It would be a very great inconvenience.

8248. Have you a good many orders for single bottles of spirits, from farmers for instance?—Very often.

8249. *Mr Campbell Swinton.*—How do you send liquor to them?—The farmers send their servants for their groceries and other goods, and probably they will order spirits along with these groceries.

8250. *The Chairman.*—Farmers do not send for less than a quart at a time, do they?—No.

8251. Does the other licensed grocer in Kintore do his business in a house of pretty large value?—I am not aware what the exact rent is. Both our shops are large enough for the place.

8252. Are they among the largest shops in Kintore?—I should say they are the two largest shops. We require very little accommodation for the spirits compared with the other departments of our trade.

8253. What is your opinion as to the age at which spirits should be sold to customers?—I cannot say that I am qualified to give an opinion upon that subject. I should say that would depend a good deal on the quality of the spirits. The spirits obtained from one distillery would not have to be kept so long as the spirits got from other distilleries.

8254. What is the shortest time that any proof spirit should be kept before being sold?—Six months.

8255. Do you think it would be wholesome then?—I mean to keep it six months in the cask.

8256. Do you think spirits would be wholesome if only kept six months after they are manufactured?—Certainly; but I am not qualified to give an opinion.

8257. Have you any opinion on the existing laws, and do you desire any amendment?—I think that so far as I can observe there is a growing desire among the respectable class to take their spirits and wines from grocers. I think publichouses are getting less support. I think there is less drinking in publichouses now than there was a good many years ago. So far as my own business is concerned, I have no objections to my shop being examined at any time by the constable. I have set my face resolutely against drink being consumed in any shape or form on the premises.

8258. *Mr Campbell Swinton.*—Do people ever ask you to give them drink to be consumed on the premises?—At first a good many did so; even now they occasionally ask me for it.

8259. I suppose they know you too well to ask it often now?—I suppose so. I think that instead of an attempt being made to lessen the number of licences granted to grocers, all respectable men applying for them ought to get them where required. I think grocers' licences ought to be increased rather than publichouses.

316. Mr JOSEPH HOPKINS, Senior Bailie of Inverurie, examined.

8260. *The Chairman.*—What do you desire to say on the subject of our inquiry?—I have prepared a

statement which I can now read. 'I have been a magistrate of the burgh of Inverurie for the last thirteen years, and have regularly sat in the licensing courts. I hand in herewith a statement of the licence applications in the burgh from 1867 to 1877 inclusive. The magistrates have adopted no specific system for the limitation of the numbers of licences, but they consider the existing licences sufficient for the place, and have refused to increase their number. The population of the burgh within the royalty is 2593. There have within the above period been three convictions of grocers for breach of certificate by selling liquor to be consumed on the premises. No exemptions in respect of hours are granted to any licensed sellers. The sale in open vessels is not extensively followed, but I have been informed that it does exist to some extent.' The following is a note of the licence applications in the Burgh of Inverurie from 1867 to 1877 inclusive:—

	Inns.	Public Houses.	Grocers.	
1867...	4	4	6	
1868...	4	4	4	
1869...	4	4	6	{ 1 Grocer refused but granted by Quarter Sessions.
1870...	4	4	8	1 Grocer refused.
1871...	4	5	7	
1872...	4	5	7	
1873...	5	4	8	1 Grocer refused.
1874...	5	4	7	
1875...	5	4	6	
1876...	5	4	7	1 Grocer refused.
1877...	5	4	6	

8261. What is the number of licensed houses at present?—15.

8262. Do they supply a considerable district besides the burgh?—There is not a licensed house within the parish outside of the burgh; the parish contains 3000 people, the burgh included.

8263. What is your profession?—I am an upholsterer.

8264. Are some of the licensed houses very small?—Two or three.

8265. Have any steps been taken to facilitate detection?—We have made the parties reduce their screens. Still the parties keep a watch, so that if there is any drinking going on inside it cannot be detected.

8266. The provost in his written answers to us says that his opinion and experience were that the facilities afforded tended to increase the use of spirits and produced an injurious effect upon the people, as, in many cases, children were the bearers of the liquor, and were therefore tempted to drink?—That may be so far true, but I have not heard of any complaints from the police about these children. Very few parents send their children to grocers' for drink; they generally send their servants.

8267. Do you hear of any complaints that women have been led to drink through the grocers' shops?—I never heard of any in our quarter. I have known some women who drank, but I do not think they drank from getting liquor at the grocer's.

8268. What would you propose as an improvement on the present law so as to check the irregularities?—I don't think the law will be right until the consumer is punished as well as the seller. Sometimes we have a man up two or three times in a year who offends through taking drink, and he can only be fined five shillings. If he is unable to pay he is sent at the expense of the county to the jail. By that time it is generally afternoon. He is put into jail, and has a comfortable bath and his breakfast next morning, and is dismissed at 8 o'clock. If he offends a second time in this way I

would have him to be much more severely punished. The arrangement may work well enough in towns where a man can get 24 hours imprisonment for his offence; but he cannot possibly get so much in the country.

8269. Do you think that if a man drinks in a grocer's shop he should be fined for it?—Distinctly. If a man makes a brute of himself I would have him punished more severely than he is, and he would be more careful not to offend again. We sometimes find people drinking at the roadsides. I believe that they get that whisky from the publichouse. I asked one of our police-officers on Saturday, and he tells me that there is more sold in bottles in publichouses than from the grocer. The grocers in our district shut at 8 o'clock; the publichouses keep open till 11. The men who are in the habit of drinking in this way can thus obtain a bottle from the publichouse up till 11 o'clock.

8270. Do you think there is as much drinking in your neighbourhood as formerly?—I think it is not decreasing. The only way I can account for its not decreasing is this. Since I became a magistrate the wages of labouring people and tradesmen are nearly a third higher. Their hours are also fewer, so that they have more money and more time. I believe that leads to a great deal of evil.

8271. Do you think it would be an improvement if the licences were not given to small houses?—Yes. We have endeavoured to act upon that. I have been thirteen years on the licensing bench in Inverurie. We have made it a point to refuse all and sundry. Our decisions have been twice overturned by the justices in Aberdeen.

8272. Then you have refused a great many licences, have you?—A great many.

8273. Is that especially the case in regard to the smaller houses?—It is. There is a sufficient number of houses already for the demands of the place, and we have refused licences to some good shops.

8274. Do you feel a difficulty on these occasions in refusing the licence to a good shop when another of the same class near it has the licence?—I have been asked to go and visit such shops. The parties asked me to do so because they said they wished the licence. I told them that we as magistrates saw that there was no room for any more, and that there were no more licensed places wanted.

8275. Does it operate to the disadvantage of a grocer doing a good business if he cannot get the licence when his neighbour has a licence?—If a place has a sufficient number already, of course the party who gets a licence must injure those who have had the trade. It is my opinion that no more licensed houses are required.

8276. If the justices only give a licence to some of the grocers, is not that rather a hardship to those who cannot get the licence?—Yes; still the man to whom this would be a hardship has not had the licence; and it would be a greater hardship to take it from the grocers already licensed without a breach of the law than to refuse it to a man who is beginning business.

8277. But you put money into one man's pocket by giving him the licence and keeping it from the others?—It looks like that; but I don't consider it such a hardship to refuse a thing which is not really wanted.

8278. Do you think that a man who gets an advantage to his general business by having the licence should have to pay a considerable duty for it, seeing he has a monopoly?—Yes. If, as some propose, the licence were put into few hands, that would make a monopoly.

8279. Do you desire to state anything else?—I got a letter from the provost, who is at Aboyne, asking if I could come here and represent him before the Commission. I made up the jotting which I have already read to the Commission.

Adjourned.

ABERDEEN.

Joseph Hopkins.

INVERNESS, TUESDAY, 6TH NOVEMBER 1877.

*Present :—*Sir JAMES FERGUSON, Bart.
Mr CAMPBELL SWINTON.Sheriff CRICHTON.
Mr FERGUSON.

SIR JAMES FERGUSON, BART., IN THE CHAIR.

INVERNESS.

*Donald
Munro.*

317. Mr DONALD MUNRO, Chief-Constable of Ross and Cromarty, examined.

8280. *The Chairman.*—The two counties of Ross and Cromarty are worked as one, are they not?—No; they are separately worked.8281. *Mr Ferguson.*—Have you charge of them both?—Yes; under different appointments.8282. *The Chairman.*—In your written answer to us you referred to 'this county.' Does that mean Ross?—Yes.

8283. The grocers' licences have increased from 27 in 1867 to 30 in 1877: is that so?—Yes.

8284. What is the population of the county?—The population of Ross is 79,853.

8285. How many licensed publichouses are there?—130 hotels, inns and publichouses, and 30 grocers' shops.

8286. Do the justices grant grocers' licences more easily than publichouse licences?—I don't see any difference.

8287. Have they refused any grocers' licences of late years?—They generally refuse the licence when the tenant dies or whenever an opportunity occurs. The tendency is certainly to diminish the number of licences, both in the case of grocers and publichouses.

8288. Are there many licensed grocers in country places as well as in the towns?—There are not many in the landward parts of the county. There are very few indeed in Ross-shire.

8289. How many convictions of licensed grocers have you had of late years?—My knowledge of the county only extends to 1867.

8290. How many have you had during the last ten years?—The total number for that period is 13.

8291. In your opinion are there many breaches of certificates which are not detected?—I am perfectly sure that there are.

8292. Is the burgh of Dingwall under you?—Yes. All the burghs of the county are under me.

8293. Do you think there is much drinking on the premises?—There is a great deal.

8294. Are you unable to detect it?—Yes; we find it very difficult to detect cases of breach of certificate.

8295. Are the licensed grocers' shops used very much as if they were publichouses?—Well, not so much as that. Certainly a great deal of drinking goes on; but I would not say that it goes on in all the grocers' shops, though I daresay in the most of them.

8296. Is it practically impossible to detect drinking on the premises?—It is. It is more difficult to detect it in shops in small places than in shops situated in large towns. A watch can be kept on the place suspected. Policemen are not regularly on the streets in country villages, and they cannot detect offences with such facility.

8297. Are those who hold grocers' licences mostly grocers, or do some of them sell no groceries at all?—They all sell groceries or something.

8298. You have in your written answers suggested that all premises should be subject to inspection at all times, and that the minimum penalty should be increased?—Yes.

8299. You have also suggested that on conviction for a second offence the licence should be forfeited?—I have.

8300. Do you think that by increasing the penalty and the means for watching suspected places you would be able to enforce the law?—I think so. I think that if the penalty were increased and made applicable alike

to the first and the second offence a considerable improvement would be effected. I would make no distinction in the penalty. As it exists at present the first penalty is lower than the second, and the third is higher than the second. When a third offence is committed the licence is compulsorily withdrawn. My idea is it would be a very good thing not to give such people the chance of committing a third offence.

8301. Have you convicted any grocers twice?—Yes.

8302. *Mr Campbell Swinton.*—And that without the licence being taken from them?—Yes.

8303. They don't take away the licence, do they, until there is a conviction for a third offence?—They may do it, but as a rule it is not done.

8304. *The Chairman.*—Are the classes who drink in the grocers' shops and in the publichouses different?—I would not say that. There is an idea that the drink supplied in the grocers' shops is better than the public-house drink.

8305. Have you heard of very raw and unwholesome whisky being sold in the publichouses?—Not particularly. Certainly some houses are supposed to sell rawer whisky than others; but I cannot speak to that.

8306. Do you know any cases of men becoming drunk unaccountably quickly after drinking a small quantity of spirits? We have heard a great deal about the effect of raw whisky in making a man drunk almost at once?—I cannot speak to that; I have no experience of anything of that sort.

8307. Do you complain at all of obstructions at the doors and windows of grocers' shops in the shape of goods piled up to prevent your seeing into the interior?—Yes. I think that a very bad thing.

8308. Do you think that the removal of these obstructions, and the extension of the constables' powers, and the imposition of a higher penalty, would be sufficient to meet the evil?—I would not go the length of saying that; but the adoption of these reforms would, in my opinion, help the matter much. I would also suggest that parties found drinking on grocers' premises should be brought under the same law as that which applies to shebeens, and that they also should be punished.

8309. You would not be inclined to go the length of separating the two trades, would you?—No.

8310. Why do you think that that is not advisable?—I do not know how it might affect large burghs, but in country places a grocer would not be able to maintain a respectable business if he were confined on the one hand to selling groceries, or, on the other hand, to selling drink—I mean that a man keeping spirits alone could not live upon the proceeds in some country places.

8311. If it were a publichouse, could he not do so?—Oh yes; I was speaking merely of a seller of drink.

8312. *Mr Ferguson.*—Would grocers not be able to live on the proceeds of groceries alone?—They might live and get on in some way or other, but certainly not so well.8313. *Sheriff Crichton.*—Are most of the 30 grocers in a pretty good way of business?—Very fair.8314. *Mr Ferguson.*—Are they scattered all over the county?—There are not many in isolated places; they are all in country villages, such as we have in Ross-shire—some of them of a pretty large size. In that respect the 30 licensed grocers are scattered over the county.8315. *Mr Ferguson.*—Have you experience of working people's wives and families getting drink from the grocers

unknown to their husbands?—No; there is nothing of that sort in Ross-shire, so far as I know.

8316. Do you know that people go to drink in the licensed grocers all over the county who would not be seen going into a publichouse—that is, do they think it more respectable to go to the grocer's than to the publichouse?—I don't think that.

8217. Is it considered disrespectful to be seen going into a common publichouse?—It is—if they are seen going too often.

8318. *The Chairman.*—These grocers are useful, are they not, in supplying families and other people who live in the country with what they require?—Yes. The grocer's licence might be much required in the case of places which are faraway from sources where commodities can be obtained—such places, for instance, as those called townships on the west coast. There, in consequence of the absence of the means of getting drink in a legitimate way, there are shebeens. The police have more bother in some districts just in consequence of the want of a legitimate supply. We have had convictions of shebeens in places that are far away from publichouses and grocers' shops.

8319. *Mr Campbell Swinton.*—Are licensed grocers a better means of meeting that demand than publichouses?—I should think so, because parties meet at publichouses and quarrel and fight and give great trouble to the police. If, on the other hand, a grocer sold the liquor, the parties who consumed it would probably take it home.

8320. *The Chairman.*—Do you find licensed grocers in small villages on the west coast, such as Aultbea?—In some such places there are licensed grocers. There is only one inn in that district, and I think that a respectable grocer's shop might be a very good thing.

8321. *Mr Ferguson.*—How is the inn situated?—It is 7 miles beyond Poolewe and 14 miles from Gairloch.

8322. *The Chairman.*—Do you find grocers' shops in these small places?—There is one place in the Gairloch district. That is the only one such place, so far as I am aware. I may say that over all the county there are only two licensed grocers in such places as these.

8323. *Mr Ferguson.*—Is there any licensed grocer in the village of Poolewe itself?—No.

8324. Is there any in Aultbea?—Just an inn.

8325. Still further north where do you find the next one?—At a place between Aultbea and Ullapool called Dundonald.

8326. Is there much drunkenness in the county as a whole?—Comparatively there is not. In fishing villages in the fishing season there is a good deal, especially if the fishing is good and the prices good. The fishers will spend their money in drink.

8327. Is there a licensed grocer in Janetown?—No. There is a hotel there.

8328. *The Chairman.*—How many arrests were made of drunk and incapable last year?—There were 21 in 1876. This number applies only to towns. Although we can apprehend them in rural districts, we cannot take them far to imprison them unless there happens to be a lock-up in the place. There is no use in taking the parties far away. Of the 21 the greater number occurred in Dingwall, Stornoway, and Tain, where the offenders can be disposed of conveniently.

8329. All your figures refer to Ross-shire alone?—In this case to Ross alone.

8330. Can you tell us how many of the grocers are in the three places you have mentioned?—There are 8 in Tain, 4 in Stornoway, and 9 in Dingwall.

8331. *The Chairman.*—Will you give us the same figures for Cromarty? How many licensed houses are there of all descriptions in Cromarty?—There are 9 hotels, inns, and publichouses, and 6 licensed grocers.

8132. Are these mostly in the town itself?—Yes; the grocers are altogether in the town, except one.

8333. The same remarks and recommendations you have given as to Ross would also apply to Cromarty, would they not?—Yes.

8334. Have you anything else to mention to us?—No.

I don't think that the rent has much to do with this question. My idea is that a man in a small way may keep as good a house and as respectable a house as one paying a very high rent—if he were able to do it.

8335. If these licences become unduly multiplied in a town the competition becomes keen, does it not, and are not men tempted to break the law in consequence?—That is quite true.

8336. Then, if you limit the number, that tends to make the business larger?—I have always found in the course of my experience that publichouses are the most troublesome so far as police duty is concerned, as people gather together at these places and quarrel. Now, if in consuming their drink they were scattered all over the place, there would be much less chance of this evil occurring.

318. Mr ALEXANDER SIMPSON, Provost of Inverness, examined.

Alexander Simpson.

8337. *The Chairman.*—How long have you been provost of Inverness?—Two years. I have been a magistrate since 1864 without any interruption. I have some experience of the licensing system. I am myself a grocer, but not a licensed grocer. The establishment in which I carry on business has existed for over a hundred years. I have conducted the business for over thirty-three years without a licence and without asking for one.

8338. *Mr Ferguson.*—Your shop never was licensed?—Never.

8339. *The Chairman.*—What is the population of Inverness?—In 1871 it was 14,463. If the population has increased since then in the same ratio as between 1861 and 1871, it must be very nearly 16,000 now.

8340. Have the railway works tended to increase the number of the population?—Yes. There is a large number of workmen there, and the most of them are young men with families.

8341. What is the number of the licences in Inverness?—In 1876 there were 12 hotel-keepers, 45 publicans, 43 grocers, 2 beer licences: 91 altogether. I may mention that in 1856 the population was 12,713, and the number of licences 135. In 1866 the number of licences was 112, and in 1876, 91.

8342. Has that reduction been in consequence of efforts on the part of the magistrates to reduce the number?—Certainly. The magistrates since I had any connection with the magistracy have all along desired to decrease the number of licences, particularly publichouse licences.

8343. Does Inverness supply a large district besides its own inhabitants?—It does.

8344. And the summer traffic besides?—Yes.

8345. Have you considered it as necessary to reduce the number of grocers' licences as the number of publicans' licences?—We have considered it our duty to limit them to some extent in the poorer parts of the town. As compared with 1866, there is now the same number of grocers' licences, viz., 43.

8346. Have you granted any new licences of late years?—We have. We made it a rule that when any grocer applied for a licence he would require to keep up his business as a grocer for six months at least before he got a licence, so as to show that he was a *bona fide* grocer. We also examined the premises, and if we found that there was a sufficient stock kept, we invariably granted the licence.

8347. Did you feel that if he was a *bona fide* grocer it would be unfair to refuse the licence when his neighbours had it?—I would feel so if the applicant wished for it.

8348. Why then did you not grant them in the poorer parts of the town as freely as in other parts?—Because we have found that where breaches of certificate occurred it was more frequently in some of these parts than among the better classes of grocers. At all events the convictions have been that way.

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8349. Is it the case that grocers in what is called a family business are not so apt to sell drink to be consumed on the premises as grocers in a small way?—I think so.

8350. Do you make any condition as to the size of the premises? Do you refuse the licence to a man because he has a very small shop?—It is not that that is looked to so much. If he has a good stock of groceries, and is really as much dependent on the groceries as on the sale of whisky (in some of the smaller places it is whisky they sell and not wines), then we give the licence irrespective of the rent. For myself I think that there ought to be a limit with respect to rental.

8351. Do you think that if Parliament required the magistrates of each burgh to fix a minimum value below which they could not grant a licence, you would be able to fix an appropriate limit?—I think so. The rental on this (the east) side of the river is very much higher in proportion to the rental on the other side of the river. Therefore the minimum on the other side of the river ought to be lower than it is on this side.

8352. So that if there was to be any rule of that sort it would require to be fixed in districts?—Yes. My own conviction, a conviction upon which I have acted for 33 years, is that the two businesses ought to be separated. I believe, nevertheless, that there are men as conscientious as I am carrying on the business of licensed grocers in a fair and honourable way in Inverness. I know several of them myself. I am satisfied that they are carrying on their business in a thoroughly respectable way. All the first-class shops conduct their business in a respectable manner, and sell their wines and spirits at fair prices. I say that without any hesitation.

8353. Are there many who are not keeping strictly to the terms of their certificates, and who are allowing liquor to be consumed on the premises?—I can tell you the number of convictions. I need not go further back than 1866. In that year there was 1 grocer taken up for breach of his certificate; in 1868, 2; in 1869, 1; in 1872, 1; in 1874, 2; in 1875, 2; in 1876, none. I can give the same statistics with reference to publicans and hotel-keepers. In 1876, 1 hotel-keeper was taken up; in 1868, 2; in 1871, 1; in 1872, 1; in 1874, 2; in 1875, 2. 2 publicans were brought up in 1866, 1 in 1867, 1 in 1868, 2 in 1869, 1 in 1872, 1 in 1874, 5 in 1875, 1 in 1876.

8354. Has it been reported to you that there are many who are breaking the law, but who are not detected?—Statements have been made to that effect, but we must not receive statements when they are not proved, and when the party is not brought up.

8355. Has it been reported to you by the police?—I do not mean mere rumour—that there are many cases of suspicion?—There have been some cases reported by the police, some cases brought to trial, and in a few of these cases there have been no convictions.

8356. *Mr Ferguson*.—There are only 12 hotels, and 10 convictions have taken place among hotel-keepers?—Yes, but in the years in which the principal convictions took place there were more hotel-keepers, and those hotels which offended were struck out.

8357. Are some of the hotels actually publichouses, or are they *bona fide* hotels?—Those that are in existence now have *bona fide* accommodation. We struck out several, as they were considered more of the nature of publichouses than hotels.

8358. Was it amongst that class of hotels that the convictions took place?—The superintendent will be able to speak to that.

8359. *The Chairman*.—I think you said that your abstract opinion was that the two trades should be separated?—Yes.

8360. In saying that, you felt bound to remark that there were many places in which business was carried on in the most respectable manner. Notwithstanding all that, you think that the two trades are not well joined?—That is my private conviction. It is a much more profitable trade when the two are conjoined than when they are disjoined.

8361. *Sheriff Crichton*.—What are the grounds of your opinion that the two trades should be separated?—I have been acting merely on my own conviction. I was not dissatisfied with the way in which the business was carried on by respectable grocers—grocers carrying on a family business like myself.

8362. Would it be for the public good or benefit that the two trades should be separated?—I certainly think it would, so far at least as the smaller grocers are concerned.

8363. *The Chairman*.—Would you tell us in what way you think the union of the trades acts badly among a certain class?—Because there is a temptation in some of the smaller shops to sell for consumption inside. The magistrates have all along endeavoured to reduce such places, and to open them up to the inspection of those who pass them. In this way, the shops which carry on this business now are pretty open. That has helped to clear up the thing much better than it used to be. I know it was very different a few years ago. We have now a very active superintendent of police, and I believe that a good deal of advantage has accrued to the town from the increased vigilance of the police.

8364. Could the town and district support anything like the number of grocers if they had not the licence to sell liquors?—I do not think so.

8365. Then, if it was determined to separate the trades, the thing would right itself by degrees, would it not?—Would not some take to the spirit trade and some to the grocery trade?—I suppose it would end in that way. There is one disadvantage about the publican's licence which has often struck me. There are respectable men carrying on a wine and spirit trade or a family trade entirely. They have to get a publican's licence as well as the poorest drinking place in the town. In such places there is really no drink taken on the premises unless it is merely in the sampling of wines or the like. If there was a separate licence for these places, that would enable grocers who wished to divide their business to go into something of that sort of trade. But, in any case, it would take a few years to put things to rights.

8366. Would it be difficult for a grocer to set up business in a town if he had not the licence?—If I were beginning again I would do as I have done hitherto, and I would hope to make a respectable living out of the business.

8367. But, if it be such a convenience to the public to buy liquors, of the merchant from whom they get their groceries, any new grocer would set up a new shop at a disadvantage if he had not the licence?—Yes; he would be a little over-weighted.

8368. And if the magistrates were granting licences among grocers, and were refusing one to a man who was otherwise suitable, it would over-weight him in his trade, would it not?—Yes, to a certain extent. The magistrates have felt the difficulty. Even in the case of the grocers in the lower parts of the town, where there is a licence in one shop and not in another, we have very great difficulty from the increased demand for grocers' licences. In some cases we do not know very well what to do.

8369. On the one hand, you increase them unduly, and, on the other [hand, you show partiality?—Yes. Our reductions have been more in the way of publicans' licences. These were 79 in 1856, and there are 34 now.

8370. Is there any ground in Inverness for the statement that one class of grocers undersell the others?—I mean in respect of their grocery business?—That is not my experience.

8371. We have had some strong statements made that the licensed grocer can afford to sell his sugar at a price that would not pay?—They do not do so in Inverness. About ten years ago that was a very common practice, but the practice in that respect is quite changed now. There is a very good feeling between the licensed and unlicensed grocers in Inverness.

8372. *Mr Campbell Swinton*.—Speaking as a magistrate, do you think the separation of the trades would

be accompanied by any bad effects in the way of driving people to publichouses when they wanted drink?—If there were such businesses arranged for as I previously alluded to, a respectable class of shops whose business consisted principally in the sale of drink—not for consumption on the premises—it would do away with that difficulty.

8373. Would there be an opening for shops of that description in country districts?—No; I speak of the town.

8374. Then you would see some difficulty in regard to country districts?—Of course there are difficulties attending the question altogether. I would say that no shops ought to be licensed unless they really have a *bona fide* trade.

8375. *Sheriff Crichton*.—You mean a *bona fide* grocery trade?—Yes. They should always have a fair stock of groceries on their premises. Reference has been made to shebeens in some places. The convictions in Inverness since 1871 have been as follows: 1 in 1871, 1 in 1872, 1 in 1873, 2 in 1874, and one in 1876.

8376. Do shebeens still exist, or have they been put down?—I think the vigilance of the police has tended to reduce the number of them—that, together with the severe punishment which follows a second offence.

8377. *The Chairman*.—Is there anything else you would like to state to the Commission?—Perhaps the superintendent had better speak to the convictions for drunkenness. In the list handed to me by him, I see there is an increase in the number of convictions within the last two or three years. In the year 1872 there were of convictions for all offences 358; the convictions for drunkenness were 144. In 1873 the number was 242; in 1874, 373; in 1875, 243; and in 1876, 183. In regard to these, I have to remark that the former superintendent was for a long time in ill health, and, though an active officer, yet, when in bad health, he was unable to do his duty so well. I attribute the change in the number of convictions to the activity of the present superintendent. It is a change for the better. There is an improvement in the town caused partly by the vigilance of the police and partly by the improvement in the minds of the people. There are still a great many young men who on Saturday nights make a noise about the town. Still, I should say it is one of the quietest of towns. There are fewer cases in it of any moment than in other towns. All the cases are of a slight nature.

8378. *Sheriff Crichton*.—None of the cases are of a flagrant nature, are they?—None. On the whole, the people conduct themselves well.

8379. *The Chairman*.—The years in which there were so many cases were years when wages were unusually high?—Yes.

8380. Have wages fallen much in Inverness?—In Inverness wages are very regular. We never have any great periods of prosperity; and we never have any times of great adversity, such as occur in the mining districts and other places. Our trade is a steady-going trade. The town has been prospering, and building has been going on continuously from year to year for many years. Our railway works furnish steady employment to a great many men. In this way, we are not subject to the reverses that occur in larger towns. Among the cases of drunkenness that come before us, and which are followed by convictions, there are some habitual offenders who are apprehended over and over again in the same way. This increases the number of convictions to a considerable extent, and makes the number of offenders greater than is really the case. For instance, I know the case of a woman who has during the last three years spent 503 days in prison. She was 27 times before us, and therefore she counts 27 of the convictions I have given. In another case, a woman has been 23 times convicted, and has spent 437 days in prison in the course of the last three years. These are of course unusual cases.

8381. *Mr Campbell Swinton*.—In cases of that kind the drink is got in the publichouse, is it not?—Certainly not in the grocer's shop. I suspect such cases of drunkenness occur more in the shebeens which are some-

times traced out. I do not think anything else occurs to me to say.

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319. Mr THOMAS WYNESS, Superintendent of Police, Inverness, examined.

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8382. *The Chairman*.—You have heard the evidence given by the provost. In matters of fact, do you concur with him?—I quite concur with him.

8383. Putting aside the family grocers who are settled in a respectable business, have you reason to believe that there is much drinking on the premises of licensed grocers in this town?—I have reason to believe that there is a considerable amount of drinking on the premises of licensed grocers here.

8384. Does that go on notwithstanding the regulation of the magistrates in the way of opening up the shops to the eye of passers-by?—There are a great many windows still obscured.

8385. Are there a great many doors also obscured?—Yes.

8386. Then it is still difficult to see outside what goes on inside?—Yes.

8387. Why do you think that drinking goes on inside?—I am often told of it by people who say they have seen it.

8388. Do the publicans give information about the grocers?—I have had complaints from publicans against grocers, and from grocers against publicans.

8389. Don't you get independent evidence from other people?—Yes.

8390. Do your officers say that they see things which make them believe that drinking goes on in these premises?—It is not so much from the officers that I receive information as from other people.

8391. Do your officers try to find out the breaches of the law?—I think so. I tell them to do so, and I believe that they act upon my instructions. It is, however, a very easy matter to evade the police,—in the case of grocers' shops at all events. The grocers who contravene the law have some one on the alert, and the police in a town like this are not very numerous. Those who desire to do so can therefore almost drink with impunity.

8392. *Mr Campbell Swinton*.—Can you not get other people to come forward and give evidence?—One witness is not sufficient to convict, and the parties who mention such things to me won't come forward to give evidence.

8393. *The Chairman*.—Is there any way in which you think the law could be strengthened, so as to enable you to put down breaches of certificate by the grocers?—Yes.

8394. What improvements would you suggest?—If the law is to be continued as at present, I would have it strengthened in some such way as this:—(1) I would have the publicans restricted to consumption on the premises between the hours of 8 in the morning and 10 o'clock at night; no drink to be given to persons under eighteen years of age. (2) I would have the grocers limited to selling drink in corked bottles—the bottles not to be less than pint bottles—between 8 o'clock in the morning and 9 o'clock at night. I would prohibit them entirely from selling to persons under fourteen years of age, whether they were messengers or not.

8395. Why should the grocers be made to close earlier than publicans?—I find it very often the case with people who go to drink in publichouses that, after they have had as much in their stomachs as they can manage, they get a bottle of whisky from the publican's, and they go out and drink it in the street. The result of this proceeding is generally a row, or a few drunk and incapables. If the publican were prohibited from giving drink to be consumed elsewhere than on his premises, and if the grocer was bound to shut at 9 o'clock, it would be impossible for these parties to get drink in that way. This would also prevent the respectable grocer from being annoyed by drunken people; and,

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on the other hand, it would prevent the reckless grocer from supplying drink to drunk men.

8396. *Mr Campbell Swinton*.—You say you would restrict the publican to selling drink to be consumed on his premises, and that you would not allow the grocer to sell less than a pint bottle; the result of that would be that anybody who wanted a gill of whisky could not get it?—I do not think there would be any great hardship to anybody in being obliged to buy a pint.

8397. Would it not lead to more drinking?—It would be confined to the family, and a pint would not be too much in a family.

8398. Would there not be a danger of increasing the amount of drinking?—There may be a little difficulty there, but there will be difficulties in connection with the trade whatever restrictions be made.

8399. What is the use of restricting the grocer to a pint bottle? Could you not allow him to sell bottles containing as small a quantity as a gill?—There would not be serious objections to that, but I think the pint bottle preferable.

8400. *The Chairman*.—Have you anything else to suggest to us?—I would have the penalties for breaches of the licence certificate increased; the prescription of three years extended to six years; and I would have the licence forfeited on a second conviction. Then I would apply the law which relates to persons found drinking in shebeens to illegal drinking in grocers' shops and publichouses, with this difference, that the penalties should be considerably increased.

8401. Have you sometimes had cases of strong suspicion wherein you failed to obtain a conviction—the failure resulting from the evidence of drinking not being positive?—I have. We can place very little dependence on parties found drinking. I have taken the glass from their mouths in grocers' shops, and I have heard them swear that they were only smelling the liquor.

8402. *Mr Campbell Swinton*. Did the magistrates believe them?—The parties got off in consequence; the magistrates could not help themselves, I presume.

8403. *The Chairman*.—In the case of a shebeen, there would have been a conviction as a matter of course, would there not?—There would have been a conviction of the parties found there, if not of the shebeen keeper.

8404. *Sheriff Crichton*.—If the same facts had been proved, there would have been a conviction in the case of a shebeen-keeper, would there not?—Yes, if the place had been by repute kept as a shebeen. I might instance another case. It shows the difficulty of obtaining evidence, and how little can be depended upon the evidence of people found drinking at illegal times, and in illegal places. I saw the grocer putting down a glass on the counter, and three men standing before it. Although every one of them denied having any liquor, I was certain that a breach had been committed, and I reported the matter to the prosecutor, who brought up the case. The agent for the defence preconnosed all the witnesses, and each of them denied that he had tasted any of the drink. The agent could not, however, proceed with the case that day, and he asked for an adjournment. In the interval, one of the men fell into the hands of the police for beating his wife, and while in custody he admitted to some of the officers that he had got drink in the grocer's. When the case came up again, he told the agent for the defence that he had got a dram. Another witness said he had got one; and the third man said that he was about to get a dram when the officer came in. The accused party then pleaded guilty; but I am satisfied that had the case gone to proof at the first diet there would have been an acquittal, and that these three men would have perjured themselves.

8405. Do you think that any mischief results from the union of the grocery and the liquor trade in the way of tempting people to drink who would not otherwise drink?—I could not say that. Unless a trade were established such as the provost described in the course of his evidence, I would regard the separation as a serious injury—that is, if people were compelled to go to publichouses for their drink.

8406. That is another evil which we might fall into, is it not?—Yes.

8407. That is another thing. In the meantime, I want to know whether, from your observation, there is an evil in the trade as it is. Do you know people who have taken to drinking whisky from going to the grocer's, and who were not in the habit of doing it before?—I have no experience of that.

8408. *Mr Ferguson*.—Have you any experience of working men's wives getting drink at the grocer's, and learning to drink in that way?—I do not think it is common in this part of the country.

8409. You do not know, do you, of any cases of fictitious entries in pass-books?—Not one.

8410. Are there many grocers' shops that have communication with the dwelling-houses?—There are a good many. 17 grocers in this town reside under the same roof as their licensed premises, and all, with the exception of one, have communications between the dwelling-houses and the shops.

8411. *Sheriff Crichton*.—Have you any suggestion to make with regard to that?—I think the communication ought to be cut off.

8412. *Mr Campbell Swinton*.—Do you think that they are the same class of people who drink in publichouses and in grocers' shops?—I could not say; I have not much experience in that.

8413. Do you think that the people who go to grocers' shops are people who would not be likely to go to publichouses for drink, or, at all events, who would not be willing to go there?—I cannot speak much upon that point, so far at least as Inverness is concerned. In other places I have observed that there was a difference between those who went to the grocer's shop and those who went to the publichouse. I cannot speak positively to very much illegal drinking in grocer's shops in Inverness. I have heard a good deal on the subject, but there have not been many convictions. I would say that they are not so bad here as I have found them in other places. There are many here who would not contravene the law.

8414. What is your experience of other places?—I have been in Aberdeenshire and Elgin.

8415. *The Chairman*.—When you say in your written answers that it is your opinion that many young men form a habit of drinking in grocers' shops who would not form such habits, and that the wives of working men obtain drink in grocers' shops rather than from the publican, do you refer to the general question, or to Inverness in particular?—That observation applies to places other than Inverness.

8416. *Mr Ferguson*.—Was it the county police with which you were connected in Aberdeenshire?—Yes.

8417. In Elgin, were you in the burgh force?—Yes; I was six years in Aberdeenshire and six and a half in Elgin.

8418. How long have you been here?—Five and a half years.

8419. *The Chairman*.—Was there much irregularity in Elgin when you were there?—There was a good deal. The young men that went to grocers' shops came specially under my observation there.

8420. Would those young men have been afraid to go to the publichouse?—That was my impression.

8421. Were they in rather a respectable way?—Yes.

8422. *Mr Campbell Swinton*.—Are the grocers' shops in such places as Elgin of an inferior description to those in Inverness—I mean in point of rent and accommodation?—There are some very good shops in Elgin.

8423. *Sheriff Crichton*.—Quite as good as they are in Inverness, are they not?—They are much about the same.

8424. *Mr Campbell Swinton*.—Is it the lower class of shops in both towns that you refer to?—Yes. I know many grocers in both places who would not contravene the law on any account.

8425. *Mr Ferguson*.—On the whole, you think that Inverness, although much larger, is much more respectably conducted in this matter than Elgin?—It is invidious to make comparisons.

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8426. *The Chairman*.—We do not ask you to tell us anything which would reflect on any individual, or on any particular body of men; but if there are mischiefs in connection with this system that can be detected and remedied by law, we must look to you to tell us about them?—Certainly, I will do so without reserve.

8427. Do you give us to understand that here the licensed grocers conduct their trade in a manner superior to what you have observed elsewhere?—Yes; I say that especially with regard to Aberdeen. It was in the suburbs of Aberdeen where I had most of my Aberdeenshire experience.

320. JOHN MACKENZIE, M.D., Ex-Provost of Inverness, examined.

8428. *The Chairman*.—Are you in medical practice now?—Hardly.

8429. Have you an opinion to offer on the subject of our inquiry?—Yes.

8430. Will you tell us what your opinion is?—Shortly, I think it is a misfortune that the grocers have licences.

8431. How do you think that the system operates injuriously?—I am satisfied that it helps the drinking habits of the people.

8432. Suppose the people are inclined to drink, how are they more easily led to do it by grocers than by publicans?—Because they can get a dram at the grocer's much more easily on the sly, than they can get it at the publican's. A person who does not wish to be noticed taking a dram can have it at the grocer's much more easily than by going to the publichouse.

8433. In the first place, it must be remembered that there would be an obstacle in the way of his getting it at the grocers; it is illegal for a grocer to give it, do you know?—I do not think that is an obstacle in the minds of most grocers. That is my experience of it, at all events.

8434. Have you reason to know that in more ways than one?—I came very much in contact with the police when I was provost—that is, for six or seven years; and I was obliged to know what I have stated.

8435. How long is it since you were provost?—Four years.

8436. We are told that the activity of the present superintendent has put down the illegalities to a great extent?—I have no doubt he has done his best; but I think it would defy him or any man to put them down thoroughly, unless indeed you had detectives going about out of uniform;—and in a small town like Inverness they would very soon be known.

8437. There is a great temptation to men in a small way of business to give drams when they are pressed to do so?—There is a very great temptation; for there is also a great profit in the trade.

8438. Following up what you have said just now; you have reason to believe that the practice prevails to a large extent of people going to the grocer's who would not go to the publichouse?—I have not paid much attention to the subject for the last four years; but, before that, I know that the practice was general. Generally when a man got the licence he put up a screen to prevent people seeing from the outside what was going on inside. That screen was put up either directly against the window or some little way back. The grocers who have no licence do not put up such screens.

8439. Judging from your knowledge of this town, and looking to considerations of fairness, what would you recommend to be done in order to improve the state of things which you believe to exist?—I think I would give no licences except to hotels or places where you could get food to eat as well as something to drink, if you mean to drink.

8440. Do you not see that there is room for a trade to supply families in the country—families who have occasion to order liquors for themselves?—Perhaps I am not a good judge in reference to this matter, for, thank God, I have been seventeen years an abstainer.

8441. But put yourself in another man's place. You know that many people use these manufactured articles moderately: if you allowed no drink to be sold except in hotels and publichouses, would not a large number of people be put to inconvenience?—When I lived in the country, and used to deal with the grocer in this town, who never had a licence—he always, before I was an abstainer, got what I wanted and sent it to the country in the same way as the groceries.

8442. Did you presume that there were people in a similar way of business who dealt in the articles you wished to be sent out?—Yes; there are such persons in the town who are not grocers.

8443. If you took the licence from the grocers, you would presume that a similar licence to sell liquors not to be consumed on the premises would be given to other people?—Perhaps.

8444. That is, a dealer besides the publican?—Yes. I do not say it is proper you should go to the publichouse for what you want. You can get it elsewhere.

8445. But would you not think that a certain notice was necessary before you could take away the most profitable part of these grocers' business?—It would be a hardship to people certainly.

8446. How do you think it could be done? Suppose a man who has enjoyed this privilege for twenty-five years, and used it in a respectable way—there may be others as to whom we do not know whether they have used it in a respectable way or not, but still they have fitted up their premises for doing a legitimate business. Now, how do you think that these suggested difficulties could be met?—I should go to the root of the thing at once and remove the licences.

8447. But you would pay them off, would you not?—Certainly not; they have derived profit for many years and, as I think, they have done mischief besides.

8448. How would that apply to any other kind of business as legal as a grocer's business. Suppose a man who has been looking forward to conduct a business for the rest of his life, or for a number of years—at all events till he retires—you say to him: 'You must not do this any more; you have derived profits up to this time'—would there not be a difficulty there?—Well, I think the trade has been doing harm; and I do not think it would be a great hardship to tell the man: 'You are not to do harm any longer.'

8449. Can you tell us anything about the comparatively injurious effect of raw spirits?—I cannot. I believe that some spirits are much more injurious than others, owing to the fusel oil which is in them. Those spirits have a much more injurious effect on the health than old spirits.

8450. Can you tell us what is the effect on the organs of drinking spirits in which there is fusel oil?—I don't exactly know. I have not paid attention to that. It certainly goes to the head much more easily and readily than old spirits. You can drink double the quantity of old smuggled spirits without feeling the least disturbed next day.

8451. Do you know what there was in the preparation of old smuggled spirits that caused the deleterious element to pass off?—I have, often been in a smuggler's bothy, and seen the smugglers at work. I believe it was nothing but the very slow distillation that caused the deleterious element to pass off. The whisky used to come in drops; there was very often a straw drop, drop, dropping it instead of its rushing out like a torrent as in legal stills. I have no doubt that when it is rushed out in that way it carries things with it that could not be carried by it when slowly distilled.

8452. *Mr Ferguson*.—Are not most of the stills pretty high up in the hills?—I imagine that they are nearly extinct.

8453. But, formerly, were they not at a high elevation?—No, not all. There was one in a wood within sight of this hotel a few years ago.

8454. My object in putting that question was to ask another, viz., whether finer spirit was not always distilled at a higher point above the level of the sea?—I think not. I have seen as good whisky brewed in my father's low country woods as any brewed in Highland glens.

INVERNESS. 8455. The fact of its coming in a small quantity would show that it was being distilled at a low temperature?—Yes.

Ex-Provost
MacKenzie.

8456. *The Chairman.*—Is there anything else you would like to state on this subject?—There is a good deal I would say on it. It is very difficult to convince people that it is wrong to break the law on this point. I remember a clergyman going to a grocer's who was selling drink almost as openly as in the Caledonian Hotel, and he remonstrated with him and said: 'I can not allow you to become a communicant, because you are breaking the law.' The grocer said: 'But I never approved of that law.' There was an end of the story at once. I believe that a great many in this town do not approve of the law. If there is to be any alteration of the licensing system, I shall be very glad to see no retail shop-keepers on the bench. I was constantly grieved to see the cruel pressure which was brought to bear on them, when their consciences told them that they should not grant the licence, their pockets told them that they must do so. I mean the retail shop-keepers—otherwise custom is withdrawn from them. If it could be put into the hands of the sheriff or some neutral person, I think it would be a great blessing, and there would be fewer complaints.

8457. That has to some extent been remedied, has it not, by the Act requiring the licence to be confirmed by the committee?—I have not yet observed how that acts. Still the shop-keepers have to take the primary step, and it puts them in a very disagreeable position. I would also suggest, if things are to go on as at present, that the police should be employed out of uniform. In that way they would be able to detect many cases of drinking in grocers' shops which they are not able to look at now. At present when drinking goes on, one man often stands as sentry, his companion saying to him: 'Stand you there till I take a drink, and when I am done I will take your place.'

8458. *Mr Campbell Swinton.*—Would not the men soon be known out of uniform?—They might change their dress occasionally. I think that such an arrangement might help. At all events, the present police are useless in their uniform. The moment a policeman is seen coming down the street, there is an exodus out of the shop. Things are very much improved now, compared with what they were before I was in the council. I rather think I was drawn into it because things seemed to be going to the dogs. Our magistrates used to be seen drinking in the grocers' shops. Our magistrate-maker used to step into the grocer's shop next the town-hall, and took his dram there openly, and nobody said anything about it. I have seen a magistrate's letter threatening the head of the police that, if he did not take care and keep his eyes shut when he passed that shop, he would be put out of his place. It is very difficult for the police to do what is right in a case of that sort. The police used to be tipped—the superintendent before Wyness, for instance. He showed me baskets of liquor and hams sent to him before the licensing day; and when the question was, 'Any complaints against this shop?' the answer was 'None, sir,'—meaning, of course, 'no convictions.' In such circumstances you can't expect poor men to see as clearly as they should do. Everything should be done to make it as difficult as possible to evade the law.

James Pirie.

321. Mr JAMES PIRIE, Chief Constable of the County of Elgin, examined.

8459. *The Chairman.*—By your written answers, it appears that the population of the county, exclusive of the royal burghs of Elgin and Forres, is 23,313?—Yes.

8460. And that in the county there are 26 hotels, 18 publichouses, and 46 licensed grocers, being a total of 90, or 1 licensed house to every 359 of the population?—Yes, these figures apply to the county alone.

8461. Is that an increase or a decrease compared with late years?—It is a decrease.

8462. How does the number of licensed grocers stand as compared with five years ago?—In 1871 there were 71 licensed grocers and 60 publichouses and hotels, including Forres. In the county alone there were 57 licensed grocers and 49 hotels and publichouses. I have figures here which apply to the period from 1854 to 1876.

8463. How has the reduction been effected: has it been by natural causes or by the policy of the justices?—Some of the holders of the licences have died, and no renewals were asked for the same houses. A good many were deprived of their licences through breaches of their certificates.

8464. How many convictions have been proved against licensed houses within the last ten years?—19 against licensed grocers and 12 against publicans.

8465. How many of these were followed by the loss of the certificate?—8.

8466. Do the justices in your county deprive offenders of their certificates after the second conviction?—No. The most of the deprivations were after the first conviction, but there were other irregularities proved besides the first conviction. The justices for the county do not, as a general rule, deprive the grocer or the publican of his certificate on a first conviction unless there are special circumstances showing that the house has been irregularly conducted. In the case of one at least there had been two convictions against the party. In other cases, the evidence at the trials showed that the houses were not well conducted. In some cases, the charges were not proven, and of course no conviction followed.

8467. Have the justices been refusing new licences to grocers?—I cannot say how many new licences have been granted. I know that a good many have been refused within the last five years. Certainly there have been 10 or 12 certificates refused. These were applications for new premises.

8468. Is it rather the policy of the justices now to keep down the number of grocers' licences?—Yes, that is what they are doing.

8469. Is it your opinion that the present system of grocers' licences is injurious?—Yes.

8470. In what respects do they disapprove of them?—The system encourages a great deal of drinking, for one thing. In Elginshire the most of the grocers live on the premises. I believe in the county districts there are 48 licensed grocers for the year 1876. With the exception of four, they all live on the premises. As a general rule the shop is just an apartment of the dwelling-house, so that in that way there are great facilities for drinking. Parties go into the dwelling-house after the shop is shut, even on Sundays, on the plea that they are going for some useful article or for some domestic purpose; whereas it is generally supposed that they go for drink. Indeed, that has been proved in some cases, for we have found them coming out with bottles in their possession. There is always a difficulty, however, in proving convictions against parties brought up in such circumstances. The witnesses will deny that they got liquor there, or they will invent some story of that kind.

8471. Do you suspect many of these houses of allowing drink to be consumed on the premises, although you have not succeeded in getting more convictions; or to put it in this way: are there many suspected houses?—Yes. During the period I have referred to—the period of 10 years, during which there were 19 convictions—there were 6 parties acquitted. There were also other cases reported, but after considering the nature of the evidence by which they were likely to be supported, it was not considered proper to proceed with them, especially in view of so many acquittals. Parties come forward, and when questioned by the constables admit getting drink on the premises; but when the trial comes on they come forward and say they forgot, and don't recollect, and so on. There is a great difficulty in getting reliable evidence.

8472. Is it common for people to get spirits in open vessels from the grocers?—It is not very common, but it is done to some extent.

8473. Did they obtain it in jugs and so on?—Yes, and even in gill measures. They will get the liquor in a gill measure and take it out and drink it outside.

8474. *Mr Ferguson*.—On such occasions do they return the gill measure which they got from the grocer's?—Yes.

8475. The grocers give the measure and let them drain the contents outside, and they then bring it back?—Yes. They drink it on the street or in any open place. I have seen that done repeatedly, young boys looking on all the time. I think this has a tendency to induce young people to go and do likewise.

8476. *The Chairman*.—Do some of the grocers' shops open earlier in the morning than the publichouses?—Yes; they are open at the same time at all events.

8477. They have a right to open as early as they like, but they have no right to sell spirits before 8 o'clock; but my question was whether some of the grocers' shops open for general business earlier than the publichouses?—No; I cannot say that they do that.

8478. Do they keep open later at night than the publichouses?—On Saturday nights they generally keep open till 11 o'clock, but not after that.

8479. *Mr Ferguson*.—Where are those places mostly situated in the county? Are they in the landward parts or in villages?—They are in the villages principally, and in the landward parts also.

8480. Are the villages more on the coast than in the landward part of the county?—Yes. A good many of the shops are in the fishing villages. I should say that they are principally in Lossiemouth. In Lhanbryde there is just one licensed grocer and a hotel.

8481. Is that one licensed grocer's shop respectably conducted?—Yes.

8482. Then the evils you have mentioned are not found there?—Lossiemouth is the place where we have most convictions, and with which we have most trouble. There is a greater number of shops there than anywhere else in proportion to the population. The greater the number of these houses there is always the more drinking and more irregularities and breaches of the peace and assaults.

8483. *The Chairman*.—Are there many more licensed grocers now than could live by the sale of groceries alone?—Yes. In 1876 there were 57 licensed grocers and 221 grocers who did not sell spirits of any kind.

8484. Then many of these would be carrying on some other trade besides their trade in groceries?—Yes. They carry on a general business. Some of them sell drapery goods, others ironmongery goods, and so on. A great many of them have just a general business. A good many of the licensed grocers in the rural districts have also a general business.

8485. Do you think that the sale of spirits in grocers' shops could be kept within the law if the law was stringent in the respects which you have pointed out?—I would approve of refusing the licence to any grocer who had his house attached to the shop. At all events I think there should be no door or communication of any kind between the house and the shop.

8486. In your written answers you say you think that spirits should only be sold in sealed bottles, whatever their size might be?—I think that would be an improvement on the present system. I don't know but there might be inconvenience attending on the adoption of such a rule; at all events I think an improvement would take place. It certainly would prevent drinking about the doors or anything of that sort.

8487. *Mr Ferguson*.—Your remarks refer to the county alone—not to the burgh of Elgin?—My observations do not apply to the town of Elgin.

8488. *Sheriff Crichton*.—The figures you have given have no reference to the burgh of Elgin?—None. My jurisdiction is confined to the county, including the burgh of Forres.

8489. Then in your evidence you have been excluding the burgh of Elgin?—Yes.

8490. Can you tell us anything in regard to the licensed grocers in Elgin?—I cannot say very much about them. I know that there is a great number of them—some 45; and a great number of publichouses

and hotels. I understand that there is a licensed house for every 106 inhabitants. That is all I can say about them.

8491. *The Chairman*.—So far as your unofficial observation goes, would the results of having so many houses follow the rule you have stated to us with reference to the county, viz., that the more houses the more drinking?—I cannot say. In Elgin their number might be accounted for in several ways. Elgin is a central burgh, and a good many villages surround it. Possibly the inhabitants of the villages do a great deal of their business in Elgin.

8492. Is there anything else you desire to mention in regard to the subject of our inquiry?—I don't think so.

8493. *Sheriff Crichton*.—How many licensed grocers are there in Forres?—9.

8494. Have they their dwelling-houses attached to the shops?—6 of them have.

8495. Do the magistrates there endeavour to reduce the licences?—Yes. They have reduced them very much within the last few years. In 1873 there were 15 licensed grocers; now there are only 9. In 1873 there were 13 publichouses and hotels; now they are only 11.

8496. *Mr Ferguson*.—Have you had any experience in the county of Elgin of women obtaining drink on the sly from licensed grocers without their husband's knowledge?—I cannot say of my own knowledge that anything of that kind is done.

8497. Have you had no cases before the courts where accounts have been presented with false entries for drink?—No. I have not seen any case of that description.

8498. If there were such cases would they be likely to come under your notice?—Yes.

8499. Have you had to do with the justice of peace and the sheriff courts?—Yes.

8500. Is it your opinion that the trades would be better separated?—I think it would be an improvement. At all events, if no other amendment takes place, I think the trades should be separated in towns. I don't think it would be expedient to separate them in rural districts where the amount of drink sold would not be sufficient to support a dealer who dealt in spirits alone. Certainly in towns, where this objection does not hold, an improvement would take place through the separation of the trades. Otherwise I would have them restricted in the respects I have already pointed out, and especially I would have communications between the dwelling-houses and the shops abolished.

322. Mr WILLIAM MURRAY, Chief-Constable of the County of Inverness-shire, examined.

William Murray.

8501. *The Chairman*.—How many licensed grocers have you in the county?—20.

8502. How many licensed houses are there?—Altogether 131.

8503. What is the population of the county outside the burgh of Inverness?—73,062.

8504. Are those grocers' licences held in country places, or are they in considerable villages?—In both. Some of them are in country districts—that is, isolated parts of the county. Others are in villages. In short, I may say that they are scattered throughout the county.

8505. I gather from your written answers that you think the grocer's licensed shop affords a necessary accommodation, and is rather an advantage than otherwise?—I have always thought so.

8506. Are the houses generally respectably conducted?—Very much so.

8507. Have you any reason to suspect drinking on the premises?—There may be so; but I think that, as a general rule, if drink is taken anywhere it will tell its own tale. If taken anywhere it will make people drunk—no matter whether it is taken in a publichouse or anywhere else. I have not, of my own knowledge, known it taken in grocers' shops in the county.

8508. What I ask you is whether you think spirits

INVERNESS. are not commonly sold in grocers' shops to be drunk in the shops?—I am not aware of it. I have never had any complaints to that effect, except in two instances, and both the parties were convicted and lost their licence.

William Murray.

8509. Are your officers instructed to see that there is no drinking in grocers' shops?—They are.

8510. They have not reported that they suspected houses of disobeying the law?—No. There have been only two convictions within the last ten years.

8511. Do they not tell you that they suspect that drinking goes on in some of the houses?—No.

8512. Are you yourself acquainted with the appearance of many of these licensed houses?—I am.

8513. Have you directed your attention to them more since inquiry began?—Not more than I did before.

8514. Are they generally houses unobjectionable for the business?—Certainly.

8515. Are many of them connected with the dwelling-house of the grocer?—They are connected with the dwelling-house, but the connection is by an outside door. In the case of one licensed house the shop is in the one end of the building and the dwelling house in the other. Nothing but a door intervenes between the two. There is another licensed house with internal communication.

8516. Do the justices make any difficulty in granting the licence when the houses shall be separated from the shops?—No condition was stated at the time of granting the licences.

8517. Are the justices refusing any grocers' licences, or do they give them pretty freely as they are asked?—They are not giving them very freely. There is a tendency to suppress the licences, or at all events to decrease the number. In cases where they have been granted it was pointed out that it was a hardship that people should have to go such distances to get a supply of the liquors they required, and that the existence of a licensed house was really necessary.

8518. Do you think they are a great convenience to people living in country places?—Certainly. I might mention to you that where people have no such facilities for getting liquors—I mean from respectable grocers, the liquors from whom are found to be of better quality than from the common publicans—there is a tendency to institute shebeens. I know that districts, where the authorities have set their face against having more licensed houses than a hotel, have become hot-beds of shebeening. I have tried all I can to suppress these shebeens; and I have one case pending from the particular district which I have in my eye. There are indeed two districts I might mention in this connection. In regard to them I might give you statistics to show what has been done during the last ten years.

8519. If you refuse the accommodation below the legitimate demands of the public, you induce immoral practices, do you not?—Yes, and demoralise the people.

8520. *Mr Campbell Swinton.*—Have the shebeens increased more of late years than formerly?—Twenty years ago, when I came to the county, I found several of them going. In certain parts I think they have increased. We have endeavoured as much as possible to put them down, but it is a very difficult matter. The difficulty arises partly from the fact that a constable becomes known in his district. People watch for him, and there is very little chance of his coming upon them unawares. Even in the case of a stranger, the first question with the shebeen-keeper is, who sent him, or who gave him to know they could supply his wants?—In such cases as these the drink is given not to be consumed on the premises; it is given to the people in the surrounding district to drink it in their own homes.

8521. Have there been any convictions for illicit distillation in this county of late years?—Not for some time. There were a good many at one time; but illicit distillation has been very much put down.

8522. Then do the shebeens sell smuggled whisky in small quantities?—in short, do they keep an irregular publichouse?—Yes. They sell small quantities.

8523. You say the whisky obtained in the grocers' was better than that supplied by the publicans, or that

people think so. Do you know of whisky being sold in a very raw or new state anywhere?—Well, I am given to understand that such is the case—that the newer it is the better the publicans like it, as it stands the larger quantity of water, and thereby gives a larger profit.

8524. *Mr Campbell Swinton.*—Has there been any public analyst appointed for this county?—No. My answers to the foregoing queries apply exclusively to the county, not to the burgh, of Inverness.

323. *Mr JAMES STIRLING, Chief Constable of Nairnshire, examined.*

8525. *The Chairman.*—What is the number of the licensed houses in your county?—I have handed in a return of them. The number of licensed grocers is 12—two of which are for porter and ale only. There are 10 hotels and publichouses in the burgh of Nairn. In the county there is 1 hotel and 2 publichouses. There are no licensed grocers in the landward part of the county.

8526. Is there much irregularity in the sale of spirits?—It would be saying too much that there are no evasions of the law, but, comparatively speaking, they are remarkably few.

8527. Are many carts sent through the county by grocers?—Three carts leave Nairn every day, one of which is sent out by a grocer and spirit-dealer.

8528. Have you had any complaints of hawking spirits by any of these carts?—I have had allegations made, but I have heard of no specific case.

8529. Is it alleged that they sell spirits on their rounds?—It is alleged that they take out spirits—indeed, it is known that they take out spirits—and sell them on chance; but I have no proof of that.

8530. They have a right to take out spirits for delivery, have they not?—Yes.

8531. Have you tried to find out whether they are hawking spirits or not?—I have. Within the last ten years there have been 4 convictions of licensed grocers.

8532. Do you suspect any of the grocers of allowing drink to be consumed on the premises?—Not at the present time. At times I have suspected with good reason. It is very difficult to detect cases of that nature, because the offender generally puts a little boy at the door to watch.

8533. Have those people against whom you entertained those suspicions given up business?—They have.

8534. Are the dwelling-houses generally connected with the shops?—A good many of them might be said to be so, although there is no internal communication. The shops are situated, as it were, next door, or only divided from the shop by a close.

8535. In some places we have been told that the grocers prefer to have their houses by the side of a close, as it facilitates evasion of the law?—We have a few of that kind of houses in communication but not very many.

8536. Do you think that any alteration is required in the law?—I do.

8537. Will you point out in what respects?—I wish very much to see grocers' prohibited from supplying drink or any sort of liquor to children under fourteen years of age, or even a little older than that—either to children on their own behalf or as messengers.

8538. If the grocers were restricted to selling in sealed bottles, would there be any objection to a child taking a bottle away?—Yes, I think so. I think it is a bad thing to bring children into association with drink in any fashion.

8539. But they must be associated with it, must they not, if it is drunk in the house of their parents—they must see it consumed?—Yes.

8540. Is there any particular mischief in children being sent to grocers for a pint bottle if the grocers were restricted to selling in that way?—I should say not.

8541. The drinking at home would be the greater mischief, would it not?—Yes.

8542. The whole idea of grocers' licences is that the

drink should be consumed at home, is it not?—Decidedly.

8543. To send children for drink in open vessels is, you think, objectionable?—Strictly speaking it is utterly unknown in the north, in such a place as Nairn. Drink is always sold in bottles.

8544. But the bottles are mostly corked, are they not?—They are not sealed.

8545. *Sheriff Crichton*.—Is there anything besides the prohibition you have mentioned which you desire to suggest?—I should like to see the hours restricted. I do not see the use of restricting grocers, however, unless you restrict the publichouses and hotels at the same time.

8546. *The Chairman*.—Do the grocers open before 8 o'clock in your town?—No. They close at 7 every evening except on Saturday nights, when the hour of shutting is 10 or 11.

8547. *Mr Ferguson*.—Would it be better to separate the trades altogether, or do you think there would be any hardship in doing that?—I am satisfied with the present system. I have not seen the evils complained of.

8548. You have no knowledge of working men's wives obtaining spirits without their husbands' consent, or of making fictitious entries in pass-books?—I have no knowledge of that.

324. **REV. JOHN MACQUEEN**, Free Church Minister, Daviot, examined.

8549. *The Chairman*.—You have a strong opinion about the tendency of the grocer's licence, have you not?—Yes. I think the system works injuriously. That, at all events, is my impression. I believe it is wrong in principle. I would suggest that the two trades should be separated.

8550. *Mr Ferguson*.—You mentioned a case to me: will you give us the circumstances of it here?—My remarks apply to country districts particularly. I do not know how the system works in towns. I have known a quiet country district on which a licence of this sort was inflicted. It tended very much to mar the enjoyment of the people and the quiet of the place. For instance, there are hootings and yellings at late hours of the night. Nothing of that sort took place in that part before.

8551. *The Chairman*.—Was there any publichouse there?—No.

8552. Then the fact was that there was no whisky to be got in the place until the grocer got the licence?—None in that immediate locality.

8553. How far had they to go to get any?—About four miles.

8554. *Mr Ferguson*.—Before that grocer obtained his licence did the people complain of the want of facilities for getting drink?—Not one. There was no one requiring such a thing.

8555. When brought within their reach, however, they took kindly to it, did they?—Not the farmers; not the people of the place generally. People complain of their servants often being off their work with it, and there is a general complaint about the amount of drinking carried on.

8556. In regard to the grocer's shop, do they get drink to be drunk on the premises?—I am not aware whether the liquor is consumed in the shop or not. I have no doubt that a good deal of irregularity may be carried on. I have seen the evidence which was given in other places—in Dundee, for instance—in which it was said that these laws are systematically eluded. It was said that although the trade may be defended, and even although it may be regulated by stringent laws, still they can be easily evaded. In our quarter we are sometimes told to complain to the policeman if we are annoyed, but the policeman is often far away. If the policeman is absent, who is to do it? Interested parties

won't commence to reform it. They are as careful to keep this matter secret as possible. Parties who would like to see the evil put a stop to stand back. Some of them don't want to get into trouble about it at all, and in this way the thing is allowed to go on. I have no doubt, however, that, so far as the country is concerned, it would be a great boon to the people if the trades were separated.

8557. Still you would not like to see the grocer's shop put down and a publichouse opened in its place?—I can hardly say that I have formed an opinion about that.

8558. It is more the fact of whisky coming into a quiet place that you refer to, is it not?—It is the drink that does the mischief. It is not required.

8559. *Mr Campbell Swinton*.—You don't give an opinion as to whether the licensed grocer or the publican does the more harm?—I can see that a publichouse may be necessary in districts where people are passing through, and who require accommodation and refreshment.

8560. *Mr Ferguson*.—Are you acquainted with a large district in your neighbourhood?—The parish of Daviot comprehends a pretty large district.

8561. Is the shop you have mentioned the only licensed place in it?—Yes, the only licensed grocer's shop; in the parish there are two publichouses.

325. **MR JOHN PATERSON BURNS**, Tobacconist and Fruiterer, 9 Bridge Street, Inverness, examined.

John Paterson Burns.

8562. *The Chairman*.—You have some views to express on the subject of our inquiry?—Yes. I have been here thirty years as a fruiterer and a tobacconist. I object to the grocers' licences on the following grounds. I have two grocers above me and two below me in Bridge Street. There are more than those in the same street, but they are all within a little of each other. One grocer near me has got the licence and the other three have not. Now, the licensed man near me—and this is what I complain of—can sell his tobacco cheaper than I can. I also know that he sells his onions cheaper than I can. I think it is unfair that by the possessing a licence he is enabled to undersell me. And there are hundreds, nay, thousands, of small shops and hucksters who sell tobacco, who pay 3s. 6d. for it per pound, and weigh it out thirty-two times in the pound. You see that they cannot afford to give a pipe, but the licensed grocer gives the pipe, and has the benefit on the chance of the drink. The same refers to fruit in the smaller branches of our trade, hence the injustice of the licensed grocer extends to the wholesale grocers. The same evil affects the wholesale man, who has a superiority over the retail man, which, I think, ought not to exist; and the small people complain to the like of me, but they won't appear before the Commission. I have not the slightest disrespect for the gentleman; but I think the licence ought to be taken away. A man said to me this week: Why don't you drop the fruit and take to the spirits. Perhaps it would be as well that we, who create the drouth, should be able to satisfy the appetite; but the authorities won't give me the licence because I am a tobacconist. The next thing I have to say is about the honesty of the grocers. Within the last three weeks or a month my daughter brought my tea to my room, and when I tasted it, I said, 'This is nice tea.' She said, 'Yes, we are getting it at a fresh place—at a grocer's shop where they sell spirits.' She told me that another young woman had asked her to go there because the tea was so much superior. I said if it was so superior somebody must have some advantage by it. She told me the tea was bought at 2s. 8d. a pound, and that the price of the provost's tea, which we had always been in the habit of getting, was 3s. 4d. I said I would go to see the party who sold the cheaper tea, and I went. I found in the shop, which was a large one, only three chests of tea, surrounded by spirits. I asked him what was the meaning of this?—He said neither more nor less than

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that it was a decoy—it was not meant for anything more than a decoy.

8563. That was not the expression he used, was it?—No; it was exactly the same in meaning, however. I cannot tell you the precise expression he used; but the meaning of it was to draw the people there; he gave the tea to them. I stopped getting the tea, though it was very good, for other reasons. There are two kinds of licences. There is the publichouse licence and the grocer's licence. I object to the publichouse licence in places where they sell food and confections. They licence the house, and then it becomes neither more or less than the publichouse in a very short time. A lady came into my shop, who had been in one of these places in this town. She had been in before, and she returned quite wasted. She was going to the country, and I took her arm and put her into a cab, and she was driven to the station, and I put her into a first-class carriage.

8564. You mean she had been to some restaurant and had more than was good for her?—Yes, and she had it in a very short time.

8565. *Mr Ferguson*.—What do you mean by saying she was wasted?—I mean when a person is not speaking sensibly, and seeking protection from the like of me.

8566. *The Chairman*.—There are two sides to that question. Some people say that the publichouse ought to be obliged to sell food, because it is so much better that people should have something to eat, than that they should go in and drink without eating. Some, on the other hand, say that where people sell food they should not sell drink?—In some cases they have divided it, and I don't see why they are not entitled to divide it here. Young men in grocers' shops don't turn out so gay as those who have to do with drink. The same may be said of young women. I could bring facts to prove that. I could bring you females who have been affected by being servants in licensed restaurants. I have known young men go to wreck and ruin through it. My opinion is that the trades ought to be separated.

8567. Why is there anything demoralising in a restaurant-keeper or confectioner selling liquors?—As a rule in such houses, the interior is arranged in boxes, which are close, and all sorts of nonsense goes on there.

8568. Then it is apart from the sale of drink that you think the circumstances of these licensed shops are demoralising?—Yes; they ought to be opened up quite clear to everybody, or they ought to be prohibited selling these things; or the two trades ought to be separated. I think restaurants are the greatest evils. I have another business in Glasgow; I have to pass between two of them; and I think they are the greatest evil we know. I shall be glad to answer any such questions as I observed were put at Edinburgh, for I have nothing but the interests of the public at heart.

8569. *Mr Ferguson*.—Have you had experience of working people's wives getting drink at the licensed grocers, and having it put down to the account of something else in their pass-books?—No. I have known of young men going astray. I have seen them drinking inside.

8570. *The Chairman*.—You and your friends wish to see the entire separation of the grocery and spirit trade, and you recommend it as a matter of justice to other tradesmen?—Yes.

8571. Have any irregularities come under your notice—irregularities in the operation of the grocer's licence, such as drinking on the premises?—I have seen it; but that is not to say that I have experienced it.

8572. What else do you desire to speak to?—It seems that Mr Cross has a difficulty in this matter; and I have no doubt it is a sore vexing question to decide. I know the grocers of Glasgow well, and I know the grocers here. I know the Sanchiehall men; and their stocks as a rule are not extensive. I have served a great many of them. My opinion is that there would be no difficulty in separating them. I should mention what was done in the case of my own trade. The late Government did not seem to have any difficulty about it. Mr Gladstone brought in a measure by which the half of the duty on cigars was taken off—it was reduced by 4s. a pound. The trade who paid the duties were

never asked anything about the change. We had not time even to get up a deputation. I got four or five letters on the subject—one from Mr Dalgleish, another from Mr Egerton, and two from Mr Gladstone; but he (Mr Gladstone) would hear nothing about it. Now, we are the largest trade next to the spirit trade in paying duties; yet we all passed over that reduction of the duty. I myself suffered to the extent of £235, duty paid a very short time before, but that did not represent the half of my loss alone on all my stock of cigars and tobaccos, because it affected the foreign tobacco 4s. 6d. in the pound, as well as the cigars 4s. The letters I received on the subject from various parties, in answer to mine, showing the losses sustained, can be shown to the Commission. I have hardly heard one person complain of the reduction of the duty since that time. It was for the benefit of all; and if the separation of the licences from the grocers is to be for the benefit of the public, the same arguments could be applied in urging the separation.

8573. You illustrate the case of the supposed hardship to grocers, if the licence were taken away from them, by the temporary inconvenience and loss which a sudden reduction in the duty caused you in your trade; but if notice had been given of the reduction that would not have occurred, at least to such an extent, and so much would have been given to the trade?—True.

8574. There must be a temporary inconvenience in any reduction, but that is a different thing, is it not, from taking away a man's business altogether?—I don't know that it is. But here is my suggestion, and I think it is a new one. Give the grocer liberty to have the licence, and allow him fifteen months or whatever time is thought right to enable him to make the separation. Then if you separate the licence from the grocers you might add a third to the licences, and I meant to say further, give the extra value to the Inland Revenue of the house property according to the valuation roll; that is to say, I offer £100 for a shop—that is the value of it in the district; it gets the licence; it immediately lets for £175. Now, this is a fact. That £75 should be paid into the Inland Revenue so long as the licence existed. By the extra third on licence and the house property difference in valuation, the exchequer would make up more than the difference on the present grocers' licences. And I meant further to suggest that the sheriffs through Scotland be added as chairmen to Cameron's Licensing Bill at each licensing court. They may have licences in five or six different ways at present; something might be done in regard to that; or it might be left an open question.

Mr ALEX. SIMPSON (318), recalled, examined.

8575. *The Chairman*.—I believe you wish to add something to your former evidence?—I see that some recommendations have been made by the superintendent of police as to the limit of the hours during which the grocers may be permitted to sell, and as to the restriction to selling in pint bottles. He has also recommended an increase in the penalties for breaches of the law, and the extension of the law which applies to persons found drunk in shebeens to illegal drinking in grocers' shops and publichouses, with an increase in the penalty applicable to such offences. I am not prepared to go so far as that. I agree with the first three of his suggestions—the limitation of the publicans' hours to the hours between 8 in the morning and 10 o'clock in the evening; the limitation of the grocers' hours to from 8 o'clock in the morning to 9 o'clock at night; and the restriction to sale in sealed bottles or well corked bottles not less than a pint. Men come from the country—oldish men, it may be, giving up farming or some other business and opening a publichouse as the highest thing they can attain to. We have discountenanced that as much as possible. Even when my friend Dr MacKenzie was provost, there were some cases which were passed

from the high respectability of the parties, but I do believe it is a mistake.

8576. Then you would not give a grocer's licence to a man who is not a grocer?—No, not to a man who has not been bred to the grocery trade.

8577. Are there not dealers in liquors who have no grocer's shop at all?—Yes. I would also recommend that there should be training for them. If they want to go into the spirit trade alone, then they should be trained to it.

8578. But not necessarily trained as grocers?—No. I notice that there was reference in some other towns where the Commission have been to the police having access to the shops in the same way as they have access to publichouses. I would like to keep that liberty within reasonable bounds. Unless there is a reasonable suspicion that parties are carrying on an illicit trade, I do not think I would have the police at liberty to march into every tradesman's shop.

8579. Do you think that the police would be likely to abuse that liberty?—There might be a danger of that.

8580. *Mr Ferguson*.—Do you think that power should be confined to sergeants or inspectors?—If the power was limited to the superior officers, or to the superintendent himself, I would be quite satisfied that it would be all right. In regard to hotels; for some years we have been most particular in Inverness about the meaning of the term. I think it is a place with suitable accommodation for passers-by. We have here a very large influx of strangers in the summer time, and these require large accommodation.

326. *Mr JOHN COLVIN*, Clerk of the Peace for Inverness-shire, examined.

8581. *The Chairman*.—How long have you been clerk to the justices of the peace?—Since February 1870.

8582. We have had information from the chief constable in regard to licensed grocers' houses; and, from that information, it would appear that they are not numerous in the county, and that they are more free from abuse than almost any place we have heard of?—Yes.

8583. Can you say whether in the Small Debt Court there have been any actions for accounts in which liquor was entered?—I have not noticed in any cases of the kind. From the newspapers, I have seen that such cases have occurred in some courts. I have not seen them here more than once or twice at the most, if at all. It may have occurred in the Sheriff Court, I daresay. It is a thing of very rare occurrence indeed anywhere in this county.

8584. Can you say whether the one or two cases you have mentioned came before the justices or the sheriff?—As far as fictitious entries are concerned, I have seen that once or twice before the one court or the other. I cannot say whether I saw it in the justices of peace court at all. Our business in that court is not extensive; it all goes before the sheriff.

8585. You are acquainted with the licensing, are you not?—Yes.

8586. What is the action of the justices in the matter of grocers' licences,—are they inclined to reduce them or to grant them where the circumstances are favourable?—They are inclined to grant them with greater readiness than in the case of the publichouse licences. They consider they are not so injurious to the district as the publichouses. My own opinion coincides with that. I think if the terms of the certificate were enforced, and all contraventions punished, very little injury would result.

8587. How is it possible to enforce the terms of the grocer's certificate if he is inclined to allow drink to be consumed on the premises; or how is it possible that a constable can be kept attending on each of them?—No doubt there is that difficulty, but surely the neighbours

and the people in the district would know if such a thing occurred. There should certainly be some further facilities for the detection of evasions, such as drinking on the premises.

8588. What facilities would you recommend to be given?—The police officers should have the power to inspect the shops.

8589. I may say that this is the only county in Scotland where the police do not say there are evasions of the terms of the grocers' certificates amongst a certain class of dealers. In other counties they say that whenever they go to inspect a shop there is always warning given, and that although there may be men drinking in the shop the signs of the drinking are all removed by the time the officer makes his appearance. How would you deal with such a case as that?—You will always have that difficulty to contend with. I do not see how you can overcome it. You cannot always have a constable in attendance upon the shop; it would be unreasonable to expect such a thing. Still I think it is impossible for the grocers to commit these breaches of the law to any great extent without discovery.

8590. That is the only way they can evade the terms of their certificates?—Yes, in that way or by selling beyond the hours. I have not heard of a case of that kind. I have not heard of many cases of evasion of any kind by grocers in this county. No doubt there may be cases which do not come to the knowledge of the authorities or the prosecutor. When a grocer's certificate is removed from a district the usual result is that a shebeen is started. In that case there is hardly any power of detection.

8591. If there is neither grocer nor publichouse, do you think it is the common thing for a shebeen to start?—Yes, and it is my distinct opinion that a publichouse is much more injurious than a grocer's shop. When people are entitled to drink in the publichouse, they take advantage of the liberty and remain there for long periods. On the other hand, in a grocer's shop the drinking goes on as an evasion of the law, and there is consequently more difficulty. There are only ten certificates in the Inverness district of the county.

8592. *Mr Campbell Swinton*.—Is that not a proof that they are not necessary for the convenience of the population?—I do not say that they are necessary. I say that they are preferable to the publichouses. If you are to have either, the grocer's shop is preferable. I do not say that either is desirable.

8593. *The Chairman*.—Suppose you have a licensed grocer's shop in the district and no publichouse, is not that circumstance likely to lead either to drinking on the premises or to a great deal of drinking in the open air, or in the immediate neighbourhood of the grocer's shop?—I do not know any case of drinking in the open air. I have heard of such things taking place, but I have not seen them. Of course I think a district is better without a licensed grocer's shop or a publichouse. This county has been much cleared of them, at all events. We have whole districts without a publichouse or a licensed grocer's shop. There are miles and miles without them; whereas formerly it was spotted with one here and there.

8594. The Free Church minister from Daviot said that they had no licence in that district formerly, but that lately a grocer's licence had been granted, and that at night there was shouting and noises?—They used to have a publichouse in that district; and I have no doubt things were as bad (or worse) then as now.

8595. *Mr Ferguson*.—Is Daviot in the Inverness district?—It is in the Moy police district.

8596. *Mr Campbell Swinton*.—Is the action of the justices uniform in different districts of the county?—As far as I know, it is.

8597. Do they adopt the same general principles as to diminishing the number of licences?—Yes. There is a strong tendency to diminish the number. The reduction has been going on for a great number of years. I think they have been remarkably successful in diminishing them.

INVERNESS.
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John Colvin.
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INVERNESS.

327. Mr WM. LESLIE, Provost of Nairn, examined.

William Leslie.

8598. How long have you been provost?—Five years.

8599. How many licensed houses are there in the burgh?—22.

8600. Have you prepared a statement to make to the Commission?—Yes. I prefer to read my views with regard to some of the questions which have been put to me. They are as follows:—‘I am provost of the burgh of Nairn, and have been so for the last five years. I was previously one of the magistrates of the burgh from 1861 to 1866. I have made up an abstract of the licences granted in the burgh from the year 1860 down to the present time, a period of eighteen years. From this abstract it appears that in the year 1860 the whole licences granted were 16, consisting of 4 hotel-keepers, 9 publicans, and 3 dealers. Of the last, one was confined to the trade, and the two others were grocers. These three parties were the whole dealers in this class for a number of years; but latterly a feeling arose in the burgh that the monopoly enjoyed by the two grocers was unjust to the others in the same business, and the magistrates, during the years from 1863 to 1866, were induced in consequence to sanction a large increase in the number of grocers’ licences, so that in 1870 the gross number of licences stood as follows: hotel-keepers, 5; publicans, 8; grocers, 11; being an increase in ten years of 50 per cent., that is, from 16 to 24. As a magistrate I opposed this increase. Since 1870 a slight reduction has been made in the number, viz., from 24 to 22 as at present, the grocers’ licences being one-half of that number. It has been found impossible to reduce this number by depriving parties of their licences after they have embarked in the business and expended capital in it. Even when deaths take place, some member of the family takes up the business, and in many circumstances it is felt a hardship to refuse to continue the licence. I am of opinion, however, that the grocers’ licences in Nairn are by far too many. The population of Nairn is about 4000, and the present number would give a licence to about each 180 of the population. The grocers in Nairn, so far as I know, conduct their business in a legal way. There have been only four convictions against them for the last dozen years. But I have no doubt that drinking habits are largely increased by the facilities for obtaining supplies, and grocers’ licences have increased these facilities. There can be no doubt, also, that many people would purchase spirits in a grocer’s shop who would not be seen as a customer at a publichouse. These circumstances, coupled with the advance in the wages of the working population, have led of late years to a considerably increased consumption. I do not believe that Nairn is worse than, or even so bad as, many other places, but still a much greater quantity of drink is consumed than there ought to be. There are several grocers’ carts going from Nairn to the country, and by these means a new facility is given to those who formerly had not such convenience for obtaining supplies. I have no knowledge of any offences committed by these parties. They profess to deliver what was previously ordered in sealed bottles. But, beyond question, the practice is apt to be abused. The present licensing system, in my opinion, is not working satisfactorily, and, if allowed to go on unchecked, the evils now arising from it will increase. I have not been able to satisfy myself as to the best and most effective remedy. But I am clearly of opinion that there should be a complete separation of the trade of spirit-dealer from that of grocer or any other. There should be three classes of certificates, viz., hotel-keepers’, publicans’, and spirit-dealers’. The business of the first two should be confined to consumption on the premises. I am further of opinion that the maximum number of licences, corresponding to the size of the town and the extent of the population, should be fixed by some authority which should perhaps have the granting and control of the licences in the district in lieu of the present system. The magistrates are raised to the position they occupy by the favour of the constituency, and in small towns a successful spirit-dealer

‘can wield an influence in this matter which few magistrates can wholly disregard. Burgh magistrates are therefore in a false position, and should be relieved of the duty. It should be a condition of the spirit-dealer’s licence that he should not supply drink to any child under fourteen years of age, whether applied for by such child on his own account or as messenger for any other person.’

8601. What is your profession?—I am a druggist.

8602. Through this licensing of grocers, on the representation that it was unfair to licence one and not another, have most of the larger grocers in Nairn the licence?—Somewhat above the half of them.

8603. Even of the larger ones?—Yes.

8604. Has the extension of the number of licences led to an improvement in the business of some at the expense of the business of others?—There is not a doubt about that.

8605. Do you know whether any articles are sold cheaper by the licensed than by the unlicensed grocers?—I cannot speak with certainty on that point.

8606. Do you know any cases of mischief being done by people taking drink at grocers’ shops?—That is a very difficult question to answer, seeing that we often find serious consequences from drinking at all licensed houses—grocers’ shops as well as publichouses.

8607. We are told that some people go to the grocers’ shops for drink who would not go to the publichouse?—There is not the slightest doubt about that. Hence arises the great temptation to a number of people to go to the grocers’ shops who are not really addicted to drink, but who are fond of a glass, and who thereby encourage habits of intemperance.

328. Mr ROBERT FRASER, Distiller, Brackla, examined.

8608. *The Chairman.*—You have a large distillery, have you not, Mr Fraser?—It is not very extensive, but still pretty large for this part of the country.

8609. We wish to ask you a few questions with reference to the age at which whisky becomes free from deleterious elements. We have been told that grocers generally sell better whisky than publicans, one of the reasons for that being that they generally keep their whisky longer. We have had some illustrations of whisky belonging to grocers being kept in bond much longer than the whisky supplied by publicans. Can you tell us how soon you consider malt whisky becomes of an age to render it wholesome for drinking?—I should think that it is not wholesome till it is three months old. It would hardly be considered palatable before that. I do not think that even though the spirit were carefully made it would be even then free from fusel oil. Fusel oil will remain in the spirit whatever age it may be. It is only a substance that can be separated from the spirit in the manufacture of it.

8610. That is to say, more careful distillation is required for the separation of the fusel oil from the spirit?—Yes.

8611. Therefore, some samples will be much more charged with fusel oil than others?—Yes. There are certain kinds of stills, although I have not seen them, which have a reservoir at the top, by means of which the heavy or deleterious parts of the spirits deposit themselves in such a way that only the very finest vapour gets away. In this way, finer spirit is produced. The spirit which is carefully made and not hurriedly run will get comparatively free of the heavier and more injurious parts, or these heavy and injurious parts may remain for a second distillation. That is according to the method adopted in the old still, called the ‘pot’ still, which is not very much used now.

8612. In the case of that still, the liquid was dropped slowly, so as to give time for the separation of the deleterious elements?—Yes. No doubt the quality of the spirit was better. By keeping the spirits for three months before being allowed to go into general con-

sumption, they ought to be much improved, and in a safer state for consumption, provided always that the party to whom the whisky is sold keeps it and sells it in the same condition. When, however, whisky falls into the hands of the retailers, it is impossible to know what they may make of it.

8613. If they were to buy the new whisky and mix it with beet spirit and foreign spirit, its own maker would not know it, would he?—No; when that mixture takes place, the article is quite an altered one.

8614. Suppose the case of whisky not carefully distilled, do you think that after three months, it would be in a very wholesome state?—It ought to be in a much more wholesome state than when absolutely new; the greater the age, the safer and better the spirit.

8615. If rudely distilled, it would require a longer period to refine, would it not?—Yes.

8616. Then is spirit distilled from raw grain more heavily charged with fusel oil than malt whisky?—I fancy it would be, because in malting grain you get quit of a great deal of its impurities. Indeed, you get quit of all the bad and deleterious substances which are in the grain. These substances go into the acrospire during the process of malting. Nothing ought to be brought out in the malting but the finest saccharine matter of the grain. That is the expectation and intention of good malting. When you use raw grain, you get all the imperfections and impurities of the grain into the spirit. When that spirit is retained in bond, a great deal of the injurious parts of it escape in evaporation.

8617. If the casks were very closely bunged, extensive evaporation might not take place?—It would escape through the wood. Even the wood itself would absorb a great deal of it.

8618. Do you generally sell to large wholesale dealers, or do many consumers purchase from you direct?—We sell to large houses in London, Glasgow, and Edinburgh. In some cases, they retain the whisky for a great number of years. We supply a smaller class of people in the country to a small extent. They take it for retail purposes at a very early age—probably three or four months. I very seldom send out anything below that age to the retail trade. Large houses, however, keep their whiskies in bond. The Excise rules are so much relaxed now by what they were in former years. Allowance is made for all the waste and evaporation. The relaxation of the Excise rules has been a great benefit in the way of allowing the maturing of spirits.

8619. Supposing a retail dealer desires to make the largest profit he can, he will ask you for spirits at the lowest possible price, will he not?—Very often.

8620. And he will get the spirits from you new?—Possibly very much newer than other parties who pay dearer in proportion.

8621. Do some of your customers get spirits of an age under three months?—Well, there is very little supplied under that. As a rule the demand throughout Scotland is so great that distillers have generally orders on hand in excess of what they are making. In that case they give out the spirits about three months after it is made to retailers. On the other hand, the wholesale dealer retains it in bond for some time. I do not think they go into consumption at once.

8622. Do you not think that some needy man would put the spirits into consumption directly?—I think there is very little chance of that. There is always an advantage to the party to keep whisky in bond, because if it is kept in bond, they are sure to send out an article that will give more satisfaction than a new and raw article. Then on account of the relaxation in the Excise laws, such people lose nothing by retaining the spirits in bond.

8623. The Excise would not allow so much as the interest of the money would come to, would they?—The allowance might not amount to that. I am speaking more according to my own feeling than anything else. I seldom send out anything which is not of a considerable age.

8624. Of the spirits that are retailed to the common people, much is known to be very hurtful. We have

heard of some cases of men being made drunk almost in a moment. The spirit they drank must have been adulterated or something else. Now, side by side with statements of that sort, we have the analysts of the city of Glasgow telling us that of all the whisky they analysed in Glasgow they found none adulterated. But it does not follow that there is no beet and potato spirit mixed with the whisky, though it may be adulterated with other ingredients?—My impression is that a large proportion of the retail trade is supplied by dealers. A great deal more than half is supplied by dealers from Glasgow or other towns in the country, and not direct from the distiller. I do not know what these dealers may do with the whisky. Probably a dealer in Glasgow may have twenty puncheons lying which have just come from the manufactory, and he may either sell them in that state, or 'cook' them as he pleases. It is much more through the dealers than the distillers that the retailers are supplied.

8625. You do not know what is done with the spirits after they leave you?—No; we have no trace of them at all after that.

8626. Do you suspect that sometimes they are much spoiled?—It is very likely, because I very often find these dealers selling the spirit under the name of the whisky which I made at a less price than they have paid me for it. The presumption in such a case as that is that they have adulterated the whisky.

8627. If they have got the whisky from you in a raw state, it will stand the more dilution, will it not?—Yes.

8628. They might put in 20 or 30 per cent. of water, so as to allow a margin for the reduction on the cost price?—Yes; they can do that to a certain extent; but we have no means of tracing that through their books or their trade.

8629. But you have seen what was said to be your own whisky sold at a less price than the dealer paid you for it?—Yes. Of course that can only be done by mixing my whisky with some lower priced whisky—probably raw-grain whisky. A great deal of German spirit has been brought into use by wholesale dealers. I consider it very injurious.

8630. Would it be a serious inconvenience to the trade if spirits were not allowed to be brought into consumption for a period of one or two years after its manufacture?—I think it would impose a very heavy tax on many distillers if they were not allowed to send out their whisky for such a period as that. It would entail, for instance, a very large extent of warehouse accommodation. If a distiller were to make 200,000 gallons in a year, you can easily conceive that it must be a large work to afford accommodation for such a quantity.

8631. But the bonded stores are not always your own, are they?—Yes. There are Government bonded stores in large towns, but in country places they always form a part of the distiller's premises. In the case of my own distillery, the bonded stores are my own property.

8632. Suppose it to be well established that whisky is not wholesome until it is kept a certain time, is there any other way to prevent its being sold than by requiring that it should be kept in bond for a certain time?—No. If it is once allowed out of Government bond, there is no way of preventing its getting into general consumption.

8633. We are told by chemists and doctors that it contains an active poison. There may be such distillation as to get rid of the greater part of that active poison, but still, taking common whisky as an example, there is an element of active poison in it for a certain length of time after it has been made. Would you admit that that substance, whatever it is, when it is not got rid of is actually poisonous?—I do not know. I never was aware of that. I was not aware of anything poisonous about it, because the spirit is made from the purest grain in the country, and I cannot imagine anything poisonous about it. The spirit may be injured after it leaves the distillery by poisonous articles being introduced into it.

INVERNESS.
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Robert Fraser.
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EXAMINER. 8634. But there are many substances which become poisonous—for instance, wholesome fruit made into preserves may be unwholesome when they are not allowed to settle?—Yes.

Robert Fraser.

8635. They become sometimes unwholesome until they go through the proper process. Therefore it would be no insult to the materials employed to say that they produced a substance that might be immediately fatal to life?—No; I imagine, however, that if there was a law passed to prevent spirits going out from the distillers' warehouses till they were a certain age—an age at which they would become more matured—there would be a great improvement in the trade. I do not think that a period of three, four, or even six months would be any great disadvantage to the distiller.

8636. *Mr Campbell Swinton.*—We have been told that whisky is scarcely wholesome until it is two years old: what do you say to that?—It is perfectly wholesome before that time. Before the present Excise law came into operation, and when people could not retain whisky in bond because they had to pay for whatever loss resulted by evaporation or waste, the whisky was sent as it came from the still into consumption. I do not believe there was anything like the injury done then that there is now. I imagine that the greater part of the injury is done by the adulteration of the whisky after it passes into the hands of the dealers.

8637. *Sheriff Crichton.*—What is it adulterated with?—I do not know.

8638. Have you any idea?—I have mentioned German spirits already.

8639. *Mr Ferguson.*—What is injurious about them?—They are distilled and discharged at a very high temperature for one thing, so that they cannot fail to be injurious. The liquor comes over into this country in a state more like spirits of wine than anything else. I fancy that methylated spirit is also put into the whisky manufactured in this country. Methylated spirit is a very strong article. There is a great feeling amongst the people in the country here that whisky that won't carry a bell is not whisky, but partly mixed with water. If you put methylated spirit into the liquor, or vitriol, I think that might enable it to carry a bell, and so please consumers.

8640. *Sheriff Crichton.*—These are substances with which the whisky may be adulterated at all events?—Yes; but I do not think a distiller has any means of adulterating his spirit, because there are sufficient checks to prevent that.

8641. *The Chairman.*—It has not been suggested to us that the whisky is not pure when it leaves the hands of the distiller. It is said that the distiller is in use to send out a good article, but that it is terribly doctored afterwards?—That is not unlikely.

8642. *Mr Ferguson.*—The temperature at which whisky is distilled has something to do with its quality, has it not?—Yes. The greater the amount of heat you drive the fusil oil through the better qualities.

8643. *Mr Campbell Swinton.*—The Government have bonded warehouses in all the different towns, have they not?—I think they have. In the country, these warehouses are all the property of private individuals. There is no law to prevent a private individual having as many bonded stores as he pleases. The larger stores are chiefly under the control of large companies. I do not know that the Government has any control over them further than receiving the duties payable.

Mr Fraser. I was for thirty-four years in the Excise, and had an opportunity of coming into contact with the manufacturers and sellers and consumers of spirits; and I think Mr Fraser's testimony is like the testimony given in most cases on the same subject. With regard to the temperature at which spirits are sent off, I think the strength of the spirit depends rather on the success of the manufacturer in separating it from the other liquid that goes off in the form of vapour, and although they may apply a high temperature at the outset, such as in the manufacture of spirits by means of Coffey's apparatus, they succeed in sending it off so pure that there is scarcely anything but pure alcohol in it. The fact of the application of a high temperature in those cases is no evidence that the spirit is necessarily anything else than very pure.

8645. Do you mean that there is something in the spirit that is not pure, but that there is no evidence of the fact?—No, I mean that the process by which they obtain very strong spirit is one which almost insures the absence of anything but spirit.

8646. *Mr Ferguson.*—As a general rule, if distilled at a high temperature is it more apt to carry fusel oil?—Yes; but in that case they cannot have it very strong. If they have it very strong, even at a high temperature, they have used an apparatus which must have succeeded in separating the fusel or essential oils from the vapour of the spirit.

8647. How long is it since you left the Excise?—About five years.

8648. Were you employed last here?—Yes.

8649. *The Chairman.*—Can you say whether, as a rule, whisky was kept a short time in bond?—Some was kept a very long time, and some a very short time.

8650. Did any one particular class keep it longer than another?—Mr Fraser, and Mr Lawson of Clyneish, are among those who keep spirits longest in warehouse.

8651. We understood it depended more on the purchaser than the manufacturer how long it was kept?—It depends on whether or not the distiller is able to lie out of his money a long or a short time.

8652. *Mr Ferguson.*—Mr Fraser said he generally sold his whisky as quickly as he made it. Do the purchasers keep it in bond?—In such a case the purchasers are men who can afford to lie out of their money.

8653. *The Chairman.*—Or some of the spirits must have been kept a very short time in bond?—Yes. Some large dealers get the spirits into their own stocks and keep it there. Whatever benefit there is in keeping it in bond they get it themselves. Then while under bond they don't require to pay the duty.

8654. These men have their own bonded stores, have they not?—Yes, some of them.

8655. Is it there that admixtures take place?—The regulations of the Excise are such, that that could only be by the barest possibility. Spirits from different distilleries may be, and as a matter of fact are, blended.

8656. Might it be in such stores that German spirits are mixed with home spirits?—Yes, it might be; new foreign spirits could be introduced; it is quite legitimate.

8657. Positive adulteration would be more likely to take place by the retailer or dealer?—Yes, but it is almost out of the question in the warehouses.

8658. *Sheriff Crichton.*—You think it almost impossible, do you?—Yes; of course stealing whisky is not impossible, but I put adulterating in the same category.

8659. *The Chairman.*—Had you any means of knowing about the subsequent adulteration of spirits after it leaves bond?—No. That is a thing I am very dubious about altogether. I believe there may be a case or two of adulteration known in the world. The only substance I have heard put in as an adulterant—with the exception of recent information about methylated spirits—is vitriol. I have heard vitriol mentioned as being put in; but I am not at all sure of the fact.

8660. *Sheriff Crichton.*—You have great doubts if that is done, have you?—I have great doubts that it is

John Murdoch.

329. **MR JOHN MURDOCH**, Editor of *The Highlander* Newspaper, examined.

8644. *The Chairman.*—What have you to say on the subject of our inquiry?—The principal thing I have to say is with reference to the powers of the magistrates under the Act of Parliament, to grant or withhold licences at all. If you please, however, I should like to say a word or two with regard to the evidence given by

done to any extent—to such an extent as to be regarded as a fact in the trade.

8661. *The Chairman*.—You are speaking of whisky now, are you not?—Yes.

8662. Have you had the means of knowing that positive adulteration is very rare?—I have had the means of coming into contact with people in the trade, and having my attention bestowed in that direction, and knowing chemists who have tried to find out. I don't remember at this moment of a case in which it has been established by evidence that there had actually been adulteration.

8663. Do you know anything about the adulteration of brandy?—No; I take it for granted that so long as it is in the warehouse it is perfectly safe.

8664. Do you know about a certain class of people whose business it is to break spirits?—No; the only people I know who approach that designation are those who blend in warehouses. These simply blend different spirits together.

8665. *Sheriff Crichton*.—Do you think methylated spirits are added to whisky sometimes?—It is quite possible. I have heard that said; but I don't know. There is this ground for supposing that, namely, that when persons get a certain length in intoxication, the trader may give a noxious article to them which they would not drink if they were more sober, because they get it at a lower price.

8666. *The Chairman*.—Will you now state what you have to say about the powers of the magistrates?—The only thing I wished to say was this. There is a disposition in this county, and I believe with the magistrates all over the country, to keep the spirit trade within as tight limits as possible, and to reduce the number of licences. Our magistrates make a very laudable boast of having reduced the licences here considerably; but so far as I see, they are trammelled by a misinterpretation of the Act of Parliament. The only

object I have in coming here is to say that if the Commission would put this in their report,—that the magistrates are bound primarily to think of the interests of the public rather than the interests of the applicants who are licensed already, or of those who are going to be licensed, then we should very soon get rid of a great many licences. Magistrates are hampered when on the bench. When it is seen to be desirable to reduce or to take away a man's licence, they say: We are not at liberty to take away the licence unless certain offences have been committed. Now I think this last question is one which only comes up properly when a man is charged with an offence, and when it is proposed to the magistrates to break the existing licence. It may be a consideration with them, when they are sitting on the bench at the annual licensing time as to what a man's character is, provided they see that any licence at all is necessary in his house. But what I want to insist upon is that the primary thing the magistrates have to consider is the interest of the public in regard to this 'tricky' trade, and that they are in fact breaking the Act of Parliament by taking into consideration the interests of applicants. If I am right, I should wish this point put in a prominent place in your report, with a view to Government, or somebody authorised to do it, giving an authoritative opinion to the magistrates to the effect that they are at liberty to drop any licence at the end of the year, regardless altogether as to whether the licensed party has conducted himself ill or well. I think it desirable for the magistrates to have this laid before them in black and white, because the Acts of Parliament have been so overlaid with the traditions of the trade, that they are not otherwise able to break through them. This would enable them to break through such traditions, and to give effect to the law.

Adjourned.

INVERNESS.

John
Murdoch.

EDINBURGH, THURSDAY, 29TH NOVEMBER 1877.

Present:—

Sir JAMES FERGUSSON, Bart.
Mr CAMPBELL SWINTON.

Mr M'LAGAN, M.P.
Sheriff CRICHTON.

Mr FERGUSON.

SIR JAMES FERGUSSON, BART., IN THE CHAIR.

EDINBURGH.

330. Mr WILLIAM HENRY HAIG, examined.

8667. *The Chairman*.—You are general secretary of The Distillers Company (Limited)?—Yes. I should like to explain that in anything I have to say to-day I am only speaking as an individual, and my opinions may not be those of the other members of the company. They may have individual opinions of their own.

8668. We shall ask you chiefly as to facts. Your company is a joint stock company, carrying on a large distilling business?—Yes; we have six distilleries.

8669. Where are they situated?—Port Dundas Distillery, Glasgow; Carsebridge Distillery, Alloa; Cameron Bridge Distillery, Fife; Kirkliston; Cambus; and Glenochil Distillery, Menstrie.

8670. Would you have any objection to tell us the quantity of spirits which the company sold last year?—The company was only formed last May. We distil, however, at the rate of between seven and eight million gallons of whisky a year.

8671. But you only commenced business this year?—We joined together in May. We were individual firms before that.

8672. Then the company of which you are secretary is a combination of various large firms previously doing business?—Six large firms which were previously doing business each on its own account.

8673. Who are your chief customers?—Wholesale dealers.

8674. Exclusively?—Nearly so. We may occasionally sell to other parties, but always in wholesale quantity.

8675. Are some of those wholesale dealers in business as grocers?—As to that I cannot say. The smallest quantity we sell is from 500 to 1000 gallons.

8676. At what ages are spirits bought by those wholesale dealers?—Principally new.

8677. Are they taken out of bond in that state?—No; we hold large quantities in bond at the distilleries.

8678. In your own bonded stores?—Yes.

8679. At what ages, are you aware, are the spirits taken out of the bonded stores?—At all ages—the great majority at any rate under three years old.

8680. What would be the youngest age at which they are removed?—They are often bonded and sent away at once; they are removed under bond immediately after they are warehoused.

8681. Perhaps not a month old?—Perhaps not a week old; but then they are generally removed under bond to another bonded store.

8682. But they may or may not be removed to other bonded stores?—They may be taken into private bonded stores belonging to wholesale dealers.

8683. Are you able to say whether any large quantity

William
Henry Haig.

EDINBURGH. has the duty paid upon it and is taken out of bond at a very early age?—There is a considerable quantity of new spirits taken out and duty paid at the distillery store, and which does not go into bond at all.

—
William
Henry Haig.

8684. *Mr Ferguson*.—Then that goes into consumption at once?—At once if the duty is paid at the distillery store.

8685. *Sheriff Crichton*.—What do you mean by the spirit store?—The store attached to the distillery from which the casks are filled, and to which the spirits come direct from the receivers. That is in the distillery under bond. The spirits are filled into casks in the spirit store, and then if the duty is paid there they go out new.

8686. *The Chairman*.—You are selling spirits at the rate of between seven and eight million gallons a year?—Yes.

8687. Of what capacity are your bonded stores?—I can hardly answer that question at the present moment. Hitherto I have been connected only with our own distillery at Cameron Bridge, and do not exactly know how much they can hold at the other distilleries; but I have been informed that at Kirkliston they have over £40,000 worth of whisky in their bonded store.

8688. *Mr Ferguson*.—That is the value of the whisky without the duty?—Without the duty.

8689. The duty is much more?—A great deal more. The duty is 10s. per gallon, and the average value of that whisky will be from 2s. 6d. to 3s. per gallon.

8690. *The Chairman*.—Do you think you have bonded stores that could contain a year's manufacture?—Oh no.

8691. Or six months?—I would not like to say straight off.

8692. *Mr Ferguson*.—There are very large bonded warehouses elsewhere?—There are large bonded stores all over the country—in Edinburgh, Leith, and so on.

8693. *The Chairman*.—I want to ask you as to the practical effect of a suggestion which has been made to the Commission, viz., that no whisky should be brought into stock for sale until it has been one, two, or three years old. What do you think would be the practical effect of that upon those who have to keep it under bond?—There would be a large increase of capital required to enable them to do so. That is the chief thing. But I think it would improve the quality of the whisky on the whole very much.

8694. Is it not the fact that the amount of spirits in bond is annually increasing to an enormous extent?—Yes.

8695. Well, there must be a great increase in the amount of bonded store accommodation annually being created?—We are building warehouses every month, and yet we will soon be obliged to stop working—our warehouses are getting so full in many places.

8696. Do you think we may take it that whisky on the average is kept for fully six months before it is brought into stock for sale?—Yes, fully six months.

8697. Then supposing that period to be compulsorily increased by law to at least one year, and if a year or two years were given to the trade to prepare for such a regulation, it would not be very difficult to overtake it?—No. I think it could easily be overtaken in twelve months at any rate. I think it would be a good thing for the quality of the whisky drunk; it would prevent the consumption of new whisky.

8698. We have had a good deal of evidence to the effect that in new whisky there is inevitably present some very deleterious elements?—Yes. I produce a sample of fusel oil which has been extracted from new whisky.

8699. By what process?—On the stills. There is an apparatus attached to our stills to take it off.

8700. Can you do so effectually?—Yes. We take about 80 gallons of that off per week at Cameron Bridge Distillery.

8701. About 80 gallons of fusel oil per week?—Yes.

8702. From what quantity of whisky?—We extract from 80 to 90 gallons of fusel oil out of about 24,000 gallons of proof spirits.

8703. That you always do in the manufacture?—We take it off every week.

8704. Has it any commercial value?—About 1s. per gallon is the outside value of it.

8705. For what purpose is it used?—We sell it in Glasgow. I believe they make perfume from it.

8706. *Mr M'Lagan*.—Is that what is sent to Ireland to mix with the Irish whisky, and what we hear so much about?—Oh dear no. I also produce a bottle of grain spirit from which the fusel oil has been eliminated.

8707. *Mr Ferguson*.—What is the strength of it?—65 or 66 per cent. over proof.

8708. *The Chairman*.—That again has to be slightly reduced?—It is reduced by water to 11 over proof for the market, and is then sent out as 11 over proof.

8709. Has it to be flavoured?—No; the dealers flavour it.

8710. Would this become good whisky if put into sherry casks?—It is a marketable article if put into sherry casks.

8711. Then is this pure whisky?—It is pure spirit—silent spirit. That is what the Irish complain of. It is quite flavourless and perfectly wholesome.

8712. What is the difference in quantity of fusel oil that can be extracted from malt and grain spirit respectively?—The fusel oil is left chiefly in the malt spirits. That is the flavouring matter which is in malt spirits. The process of malting improves the grain to a certain extent, but there is a certain portion of oil left in the malt, and that is the flavouring matter which you get in Highland and Irish whisky. It is the fusel oil, or whatever you like to call it—it is the essential oil in the spirit.

8713. Then it is from the raw grain that you extract it by this process?—Yes.

8714. *Mr Ferguson*.—Is there more fusel oil in malt spirit as it goes into the market than there is in raw grain spirit?—Most undoubtedly. It is the flavouring matter. I am not chemist enough to know whether it is fusel or methyl oil, but it is the oil that flavours the spirit.

8715. *The Chairman*.—If the process employed by you for the extraction of fusel oil during distillation was not used, would the quantity of fusel oil be as great in grain spirit as in malt spirit?—It all depends on the nature of the stills. With those stills that take it off at the strength of 66 over proof, there must be far less fusel oil in that than in malt, which is run at a very low strength. Malt whisky is run at a strength of under 25 over proof as a rule. This is run at 66 per cent., and consequently there is less oil.

8716. Is the spirit necessarily run at a higher percentage from grain than from malt?—Yes, because if you run it at a low strength you would get all the fusel oil, and it would be very nasty; and then if you ran malt whisky at a high strength it would be no better than grain, or very little better.

8717. Is it the case that that silent spirit is absolutely free from fusel oil?—As free as we can make it. Our object is to make it as pure as we possibly can.

8718. Do you consider that it is almost impossible to have it free from it?—I consider that it is.

8719. Do you distil malt spirit also?—Yes.

8720. In that there is a considerable quantity of fusel oil remaining?—No doubt there is a considerable quantity of oil, whether fusel or not.

8721. Have you any process by which you extract the fusel oil from that malt spirit?—No. We run it as pure as we can under the circumstances to obtain a flavour.

8722. But still you believe that while it is new there is present a good deal of this fusel oil?—Certainly.

8723. At what age do you think that it is virtually free from fusel oil, by keeping it?—Well, I don't think it is free so long as it retains a flavour at all. There must be oil to flavour it. It becomes more wholesome, but the flavouring matter in all whisky, I am told, is oil of some sort.

8724. Then we may put it in this way: You consider that new malt spirit is an unwholesome article?—Yes, certainly.

8725. At what age, in your opinion, does it become wholesome?—It depends on the strength at which it is run. If it is run very pure, I should think it is not

wholesome to drink before it is twelve months old. I am speaking of pure malt spirit.

8726. Has your attention been called to any patent or scientific process for extracting the fusel oil after distillation?—Yes.

8727. For example, have you examined one called Phibbs' patent for aging spirits?—No, I do not know that. The one I have heard of is a process whereby the spirit is all sent into a high tower and dropped down in a shower, which, it is said, purifies it, and drives off all the coarse particles.

8728. How does that avoid loss by evaporation?—Of course there is loss, and I suppose that is the reason why it is not more used. There is great loss.

8729. *Mr Ferguson*.—This patent of Phibbs' seems to put the whisky into a vessel and heat it under very great compression, and they say that in two or three hours they can take out all the evil effects?—I don't know; I cannot say anything about it.

8730. *The Chairman*.—Here is a testimonial from Dr Wallace, one of the public analysts in Glasgow. He says that he has examined the apparatus patented by Phibbs, and tasted samples of whisky before and after being subjected to the process, and he goes on: 'By simple heating and pressure for about two hours the lowest class of malt or grain spirit is converted into mature and wholesome spirit. The effect is the same as that produced by age, but the effect of keeping for years is obtained in as many hours without loss of material, which, when the spirit is matured in casks, is considerable.' Have you ever seen any such process successfully employed?—Never.

8731. I suppose you would be very glad to adopt it?—Very glad if it were successful.

8732. *Sheriff Crichton*.—I suppose the quality of spirit varies very much according to the material of which it is made?—Yes. If made from bad corn the spirit is never so good as if made from sound corn.

8733. Is it sometimes made from potatoes and such like articles?—Not in this country. German spirits are made from potatoes.

8734. And that would produce an inferior quality of spirit?—Well, we hold so.

8735. *Mr M'Lagan*.—Do you know if the potato spirit contains more fusel oil than grain spirit contains?—No. It is very highly rectified. It is very pure, but I am told that it does not mature so well as good grain spirit.

8736. *The Chairman*.—Is there anything unwholesome in German potato spirit?—I cannot speak from experience.

8737. What would be the effect upon German spirit if no spirits were allowed to be sold till they had been a year in bond in this country?—Well, they would have to do the same with German spirit.

8738. Would it destroy the advantage which the German spirit at present possesses in cheapening the spirit here, or would it be the same for both?—It would be the same for both.

8739. We have heard it would destroy the sale of German spirits if people were obliged to keep them for a year in bond?—The only reason for that, so far as I have been informed, is that German spirit does not improve in bond—that in fact it gets worse in bond. That is the general opinion amongst us distillers, viz., that it does not improve, and has to be used new.

8740. *Mr M'Lagan*.—Can you tell us the difference in chemical composition between fusel oil and spirits?—No; I am not a chemist.

8741. But the fusel oil is evaporated at a lower temperature. In the process of distillation it comes off before the ordinary spirit?—No. In the Coffey still, in continuous distillation, the wash goes in at one end and the spirit comes out at the other. The oil is extracted half way between.

8742. That is to say, it comes off at a lower temperature. In the Coffey still the higher up you go is the temperature higher or lower?—It is lower. The spirits are all through the still, but then as the spirit rises it gets rectified and purified. It is meeting a

colder temperature. The spirits as they ascend meeting the cold wash going down, are getting colder, and by that means they are purified.

8743. The spirit ascends?—Yes, the pure spirit ascends, but the spirits are all diffused through the still. In order to get pure spirit you must draw it off at a certain temperature.

8744. The fusel is condensed before the spirit condenses?—Yes.

8745. And the fusel is evaporated before the spirit is?—I would not like to say that. In that case if it condenses at a lower temperature, of course the fusel oil would go up along with the spirit. Now, it does not. You see the spirits going upward and going off. It is only the very purest that goes off at the temperature at which they draw it off.

8746. It condenses at a higher temperature?—Yes, it evaporates at a higher temperature.

8747. Then you could get quit of the fusel oil if you liked by that process?—Yes.

8748. *Sheriff Crichton*.—But I suppose there is fusel oil in every whisky that is sent into the market?—I think there is some. The flavouring matter must be fusel oil.

8749. *Mr M'Lagan*.—Then fusel oil, in your view, is a generic term. It includes all the essential oils?—Yes.

8750. There may be other oils?—Yes, chemical oils.

8751. Fusel oil may be composed of different kinds of oil?—Yes.

8752. *The Chairman*.—Under what conditions does the fusel oil—that is to say, the deleterious element—most readily disappear?—We have heard that it used to escape much more easily in the old hill stills through the bit of peat that was put on the top—that it evaporated through that. Now, the only way in which we can understand it escapes in wood is by being absorbed by the wood of the cask?—That is, if it once gets into the cask?

8753. Yes?—By the action of the atmosphere, it is supposed to absorb the oil in the spirit.

8754. But the atmosphere has not much access to casks?—There is a certain amount absorbed in the wood, and the wood is not so air-tight as an iron cask might be.

8755. But as matter of fact it is your opinion that at some period not less than a year whisky in wood becomes purified of the poisonous ingredients?—Yes, it always purifies with age.

8756. Of course the more the atmosphere had access to it the more readily would it escape—at the same time with considerable loss?—Yes; of course there is always loss in bond.

8757. Can you tell us approximately what is the percentage of loss upon whisky in a year?—I have here a table showing the allowance made by the Excise for spirits in bond for so many years.

8758. According to this table, when the time in warehouse is under one month the limit of allowance is 1 per cent.; under one year, 6 per cent.; under three years, 10 per cent., ranging up to 18 per cent. under seven years?—Yes.

8759. And in cases where the deficiency exceeds the above limit an additional allowance is made as under: $\frac{1}{4}$ of the above rates on casks of 80 gallons and upwards; $\frac{1}{2}$ of the above rates on 50 gallons and under 80; and double the above rates under 50 gallons. That is, on the smaller quantity of spirits the loss would be proportionately greater?—Yes.

8760. So supposing whisky to be kept for two years, the Excise would allow a loss of 8 per cent.?—Yes.

8761. And to that extent, besides the interest on the money, there would be a loss in value?—A loss in quantity but an increase in value, because the whisky goes on improving.

8762. There would be a loss in quantity but a corresponding increase in value?—Yes.

8763. Against which would have to be set also the interest on the money?—Yes.

8764. Now there would be a gain to a large distiller under such a law?—The man with capital would certainly have the pull.

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Henry Haig.

8765. In fact it would operate very hardly against the small man?—I suppose so.

8766. *Mr McLagan*.—We have heard a good deal about the adulteration of Irish whisky by whisky sent over from Scotland. Now, is it fusel oil or silent spirit that is sent over?—We only produce about 80 gallons of fusel oil per week. It is the silent spirit—the pure spirit—which is sent over, and they have little to complain of.

8767. Because there has been great complaint in Ireland about it?—Yes, I have had correspondence myself about it.

8768. They say that a very deleterious substance is sent from Scotland to Ireland, and that the Irish drink much worse whisky than the Scotch do?—It is an utter mistake. It is pure spirit that is sent over there, and then they mix it with their pot-still whisky.

8769. It is what is called silent spirit?—Yes, as pure as we can make it. They mix it up in Ireland with their highly flavoured whiskies, and sell the blend.

8770. *Mr Ferguson*.—As regards those highly flavoured whiskies, is it the oil they contain that gives them the high flavour?—Yes. The whiskies in Ireland are, as a rule, made in pot-stills, and they retain the flavour. They make it as pure as they can with their apparatus, but it retains a certain amount of flavour, and then the spirit-dealers there mix it with this silent spirit, in order to cheapen the cost per gallon. The Irish system of making whisky is very expensive, as by their pot-stills they have to distil the wash three times, while the silent Scotch spirit has only to be distilled once.

8771. *The Chairman*.—I daresay, though it is not within your business, you have some knowledge of the extent to which foreign spirits are mixed with Scotch distilled spirits?—I have no knowledge of the quantity that is used, but a large quantity does come into Scotland every year.

8772. But you have not become practically acquainted, apart from your own business, with what is done in that way?—No. I know very well that it is largely used, because when calling upon customers we are always met with those German spirits, that their price is so and so.

8773. That is exactly what I want to know. Have you found that the price of the spirits in the hands of your customers is such that it is impossible it can be the same article which they get from you?—I cannot say that. I don't know how they sell it at all. If they are able to buy German spirits at a certain price, ours must not be higher than another price.

8774. Then how do you know that some of your customers have been treating their whisky with German spirit?—They tell us; they say so very often, and we hear general conversation in the trade as to what they are buying. We get the Custom-House returns, and know exactly what quantity of German spirits comes into Leith.

8775. But you are aware and certain that many persons who buy your pure spirit are mixing it with foreign spirits?—They do not mix our spirit with foreign spirits, but they substitute foreign spirits in place of ours.

8776. Do they substitute it altogether?—Well, I cannot say that. I do not know. It is my supposition that in place of using our spirits they use German spirits.

8777. What do they mix them with?—With the malt whiskies of the country. That is just a supposition; of course I know nothing personally about it, and only speak from what I hear.

8778. They mix it with malt whisky instead of using the silent spirit such as you have produced?—Yes, our spirit and the German spirit are in competition.

8779. But yours would be wholesome while the German would be unwholesome?—Yes. I hold so.

8780. The German spirits are cheaper?—Yes; they are made from potatoes; every farmer in Germany is a distiller.

8781. What is the value of that silent spirit per gallon?—1s. 11d. per gallon proof. What I have produced is 66 over proof, so the price of it will be found by calculating that if 100 costs 1s. 11d. then 166 will cost so much more.

8782. Can you tell us what the German spirit at proof costs?—They have a differential duty to pay, and I should require to get the duty paid price to find that out.

8783. Is the home duty just 10s. upon the proof gallon?—Yes, and the duty upon the foreign spirits is 10s. 5d.

8784. Have you anything else to add?—I should like to state to the Commissioners that I am of opinion that the minimum strength of whisky as sold by publicans and grocers ought to be defined by law. Let there be a standard strength of whisky, say proof or any defined strength under proof, and there will be less chance of deleterious ingredients being mixed with the whisky. Such ingredients may give an apparent strength, or 'nip,' but the hydrometer will show whether such strength is really alcoholic or not.

331. Mr JAMES FORD, of the firm of William Ford & Sons, Leith, examined.

8785. *The Chairman*.—Your firm are wholesale spirit merchants?—Wholesale spirit, wine, tea, and sugar merchants.

8786. May I ask you as to the quantity of spirits you sell to customers in a year?—Perhaps under 2000 puncheons.

8787. What would that be in gallons?—You may multiply it by 100 in round numbers.

8788. That is to say, Scotch spirits?—Scotch spirits. I am only referring to Scotch spirits.

8789. You do sell a certain amount also of foreign spirit?—Very little.

8790. Is that foreign spirit blended with Scotch spirit?—Sometimes it is not; sometimes it may be, if very fine. It is sometimes used for methylated spirits. There is one quality of it imported for that purpose. There is a second quality, which does for some purposes, such as British wine making. Then there is another quality which will do for some men not very particular about the whisky they give to their customers in the way of fine quality—not that the thing is unwholesome in reality. Then there are others so pure that they are fit for making essences, and that is the spirit which, as a rule, we take when we do take it.

8791. Then will you tell us what sort of spirit is this foreign spirit which comes into your hands. From what is it extracted?—We are told it is potato spirit, and we are also told it is grain spirit made from rye.

8792. Rye spirit is like the American Bourbon whisky?—Well, I have seen American whisky, but it was very coarse. It would not sell in this market without being rectified.

8793. *Mr Ferguson*.—The ordinary spirit in America is very coarse, but Bourbon is the finest?—I do not know about that, but with regard to the spirit that came from America, we had to put it through our rectifying still. I may mention that I am a partner of D. & J. Thomson, rectifiers.

8794. *The Chairman*.—Then a certain quantity of this foreign spirit goes for methylated spirits—that is to say, for manufacturing purposes, and not for consumption?—Yes.

8795. And a certain portion is mixed with whisky in order to cheapen it?—Well, it is not always to cheapen it. That will depend very much upon the nature of the spirit. Sometimes the one is as dear as the other, but if you wish a very silent spirit you cannot get it made so silent from the Scotch whisky. They run it very high.

8796. What is the object of having a silent spirit?—To please the palate. Some people prefer a very silent spirit. In other cases it is used so as not to neutralise the flavour of other spirits blended with it, and to be pleasant in itself.

8797. *Mr Ferguson*.—When you say it is silent, do you mean pure?—Flavourless spirit.

8798. *The Chairman*.—Is it the case that this foreign spirit is fit for consumption much earlier than Scotch

spirit?—I am not aware of a difference at all. I must say we have not used much of it. I have seen that foreign spirit lie in bond for two or three years. Originally it was not so good a sort for some purposes to begin with—in this way that it did not suit the taste; not that it was not so good to drink, but that it did not suit the taste of the dealer. There was a flatness about it which we do not like; but keep it and it will improve, no doubt, but it will not improve in the way of being more wholesome—it will improve in the way of being palatable. I make a great distinction between improving for the drinking effect and improving for the mercantile effect. It improves very much in that latter way, but merely to please the palate. Whether it improves for the constitution or not I do not know. There seems to me to be a great distinction as regards keeping spirits in bond.

8799. Now taking the portion of foreign spirit which you use for mixing with whisky, is it new or after it has been kept?—The whisky I referred to, of which there were some hundred puncheons, had been sent over as an experiment. After it been some two years or so we had an offer of it, but we did not see that with all the age it had got it was worth the price the party required for it in consequence of keeping it, and therefore we did not buy it. It is a question of price.

8800. I am not sure whether you meant that as an answer to my question. When you mix this foreign spirit, do you mix it when it first comes over?—Yes, it is mixed when it first comes over.

8801. Then is that whisky with which it is mixed also very new spirit?—I should say it will be partly new and partly old. That will depend upon the trade of the dealer and his mode of mixing.

8802. You have orders for some Scotch spirits quite new, have you?—None at all almost—very few except under bond.

8803. You have orders for new spirits under bond?—We offer the distillers' spirits at a price to our customers which leaves us a small profit, and we sell that to them in bond, but almost none new duty paid.

8804. Then your customers would take it from you, and when it leaves you it is still in bond?—When I say none new duty paid, I mean that we sell new duty paid, but it is always mixed.

8805. Then you mix a certain quantity of new with old?—Yes. The dealer does with it very much what you find done in the case of brandies. You find one brandy shipper ships one quality and one another. Hennessey ships one quality, Renault another, and so on. They go and select from various vineyard stocks in the country according to their idea of what makes a good blend. They have a standard, and they make their brandy up to that particular standard, which is known abroad and is known in this country. One sells at one price, perhaps 6d., 1s., or 2s. more than another. In the case of Hennessey's, or any first-class brandy, the price is given, because the quality is known in the trade. So in this country, as regards the dealers, no single distillery can compete with the dealer in supplying the public. No one distiller's whisky can be drunk with pleasure by the general public. Recently I tried the whisky of a distiller of great repute in his own district, who sells nearly all his whisky direct to families, and who, it is said, never sends it out under four or five years old, and yet I thoroughly disliked it; to relish it the taste must be acquired.

8806. Then whisky sent out requires to be blended?—Yes, according to the dealer's opinion, and that is the reason of our trade. If it were not so people might as well go to the distillery.

8807. You touched upon brandy just now. By whom is the blending done?—By those shippers—Hennessey, Renault, and so on.

8808. Is it done both abroad and in this country?—No, not here. We buy all the brandies blended abroad, but we blend here if we chose.

8809. Then is the dilution and breaking of brandy done in this country?—When brandies come to this country a man may do with brandy as he does with whisky. I may say, 'Here is De Laage, and here is

Hennessey, and here is Renault, and we will make a 'better article at a certain price by putting them together than we could by getting it from one shipper alone at 'the same price.' One has thickness, another has lightness—one has some quality which another does not possess; and in blending the two it is the man's business as a dealer to know how to do it so far as the taste of the public is concerned. He sends round his travellers and shows the article to his customers, lets them compare it with anything else which they have and see whether it is better than that which they get from any particular shipper. We are doing that trade at present.

8810. Take the brandy that comes to this country in wood, and is reduced or altered from the state in which it leaves the shipper abroad; by what part of the trade is that done?—I never knew that it was reduced in quality.

8811. Do you not know that brandy is diluted and altered before it reaches the consumer?—I never heard of it. I never knew anybody who did it. I do not see why it should be done.

8812. Done for profit?—Yes, you may do anything for profit. You may reduce anything, but I suppose the quality would be so much reduced; if it were reduced by anything else than water it would be easily discovered.

8813. Is it absolutely beyond your knowledge that it is done?—I am not aware of it. I never knew that it was done. You may reduce anything, I admit. Spirits or brandy may be reduced, but brandy comes over here so low that by the time it lies a while in bond it would be quite unnecessary to reduce it. And when it comes over, and lies in bond a few years, it is a good deal under proof, and therefore low enough in strength for the taste of the public.

8814. Can you tell us at all what proportion of the spirits pass out of bond before they are six months old?—Perhaps $\frac{2}{3}$ ths of the grain whisky. I refer to what goes direct to the dealer without going into bond at all.

8815. *Mr Ferguson.*—Do you mean it goes into consumption?—It goes into consumption, I should think.

8816. *The Chairman.*—Would some go into consumption much earlier—within a month or two?—Within a week.

8817. Do you get orders for whisky as early as that, —for new whisky?—Quite as early, and then it is mixed, so far as we are concerned, with older whisky.

8818. But the bulk of it would be new whisky with a sufficient quantity of old to flavour it?—Precisely—at least not to flavour it but to temper it.

8819. The reason being that it is much more profitable to sell it new?—The reason is that there is no necessity for selling it old. I do not agree with those who say that new whisky is not so wholesome as old, so far as grain whisky is concerned. I have drunk grain whisky, double the quantity, at night, in toddy, in order to see the effect of it—new grain whisky ten days old. I generally take one tumbler of toddy at night, and on those occasions I took two to see what the effect would be in the morning. In taking it at night I did not feel the slightest difference, but perhaps that was because I did not take enough of it, and in the morning I did not feel the slightest thing wrong with my palate or tongue after taking that new grain spirit. It seems to me to be quite wholesome, and I do not know it improves so far as a beverage is concerned. I have no doubt it improves in a mercantile point of view so far as the taste of the public is concerned, but it is a great mistake, in my opinion, to suppose that that spirit which is so free from fusel oil or any oil is improved with age as a wholesome beverage.

8820. *Mr Ferguson.*—You would not say the same as regards malt whisky?—No; because, according to what we suppose, we require to give it age to put it into the position in which grain is to begin with.

8821. *Mr M'Lagan.*—Then it contains more fusel oil?—Malt whisky contains more fusel oil, and age is perhaps necessary to eliminate any deleterious matter.

8822. *Sheriff Crichton.*—To bring it up to the same standard as the grain whisky?—At all events to bring it up to a standard that it does not possess at first; but I would rather drink grain whisky than malt whisky

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8823. That is to say, they are more palatable?—Yes.

8824. *The Chairman*.—You buy malt as well as grain whisky?—Yes.

8825. Would you say that malt whisky under six months old was a wholesome drink?—Well, I have not experimented upon malt whisky, because I do not like the fusel oil in it to begin with; but I do not know—it might be—I would not say it is not. But it is nauseous to begin with. I do not like the flavour which it has. It is different with regard to the new grain spirit, for there the flavour is not so bad. If I put a bit of sugar into it it is so pleasant that I have no difficulty in drinking it. I have been all my life tasting whisky—for forty years—and I should think my palate is pretty well refined now; and I can tell you that if any of you try to drink new grain whisky, putting a little sugar and hot water into it, after the first sip you will find that you continue to drink it.

8826. Then it is with the malt whisky, in your opinion, that we have to deal in considering whether it is a wholesome beverage. We have been told by some that under a year old there is such a quantity of fusel oil in it that it is unwholesome. Now, what sort of spirit is it that makes a man drunk so very rapidly as we have heard—that flies straight to his head?—I don't believe in that sort. I have heard stories about it, but I don't believe there is any speciality in any spirit in that respect. I believe that those stories have reference to men who have been drinking whisky under certain circumstances; who have been pickling their stomachs with spirits for no one knows how long before; who have been eating little or no food before they take it; who are powerful, strong men with no moral control over themselves; and whenever their brain becomes excited, in consequence of the state in which they are when they drink it, you will find that those powerful fellows with no moral control over themselves go like madmen. But any spirit will do that. It is a mistake, in my opinion, to attribute it to the quality of the spirit; it is the quantity.

8827. *Mr M'Lagan*.—We have had it in evidence that there is a particular kind of whisky sold by some publicans called 'speil-the-wa,' and 'kill-the-carter.'—I have heard of that through the evidence which has been given here; but I have not heard of it apart from that. I know quite well there are men who are engaged in coarse work, and who want to get good value for their money; and their idea of good value is to get strong whisky to make them intoxicated as soon as possible. If one glass of whisky would make them intoxicated as soon as two, they would say that was the best whisky. Now, there are publicans, I believe, and grocers too—because the publican is as good a man as the grocer—who may pander to that, and say to those men, 'Now, this is whisky that will fill you fou.' But they have not any other whisky than the ordinary kind. They cannot get it. There is nobody who makes it. Ask the distiller how they get it, and he does not know. Ask the dealer how they get it, and he does not know. There is no such thing as adulteration amongst publicans and grocers by putting anything into the liquor, and when you find men talking of 'speil-the-wa,' I believe that it is just as in America they talk of gin sling and all those other names—it is done for the purpose of attracting customers.

8828. *The Chairman*.—I know that in a colony in which I was there were men who went through the country selling receipts to the publicans by which they could make their whisky go three or four times as far as if they sold it pure, and make men drunk quicker than if they had taken pure spirits?—I am quite aware there is an idea that such things can be done, but when I tell you I have been forty years and upwards in the trade, and never knew one single particle of proof for it, to tell me of such a thing is simply to ask me to believe what is contrary to my experience; and, what is more, I am satisfied if you go into the trade you will find I am corroborated by every man in it.

8829. I know that the results were according to promise, because it made men perfectly mad. You do not know how it is possible that that can be done?—The fact is, I do not believe it is done. I don't think it is possible to be done without my knowing of it. I have travelled the country myself as a commercial traveller for the firm of which I am now senior partner. When I was a young man I travelled the country for twenty years, and I could not have travelled the road without coming in contact with it. I have been through a great many publichouses in Edinburgh, and surely if such a thing had been done it must have come to my ears. I believe nothing of the kind. Whatever you have seen in the colonies I cannot tell.

8830. But I have been told by the manager of a hotel in this country that there was a professional man called a spirit-breaker who came to his cellar and reduced his brandy 50 per cent. with water, and then made up the flavour with certain innocent compounds?—Yes; but did you inquire what the nature of those were? Suppose he reduced the strength 50 per cent. with water, did you ask what he put in?

8831. Yes.—What was the object of it? My reason for asking is this,—was it whisky he put in?

8832. This was brandy.—And if whisky was cheaper this man reduces it 50 per cent. with water and puts in, it may be, whisky 60 per cent. over proof. Well, if that is cheaper than brandy he says, 'My price for doing so is so much per gallon;' and this hotel-keeper, very likely not knowing his business—because I must say that in the trade there are a vast number of men who know nothing about their business—allows his brandy to be treated in that way because he is getting the thing cheaper, and because there is an oil which you get for flavouring brandy from France, by putting a few drops of which in with the whisky and brandy you get a coarser article—the man is getting a coarser quality, but not worse for the stomach. The action upon the liver of brandy and whisky is quite different; the one is a diuretic and the other is for another purpose, and therefore there should be no mixing of the two; but if it is merely a question as to the stomach, our Scotch spirit is better for the constitution than brandy, in my opinion, and in that point of view it is not deleterious.

8833. *Sheriff Crichton*.—Would that spirit make a man sooner drunk?—No, it is according to the alcoholic strength. It is merely a question of profit, but not to make a man sooner drunk.

8834. *The Chairman*.—But as matter of fact they have been doing it for years and years?—I never heard of spirit-breaking, and he must be a very ignorant man who cannot do it for himself. Anybody could do that.

8835. We were told by a distiller that he found people sold his whisky at a lower price than they paid him for it?—What kind of a distiller?

8836. A whisky distiller—Fraser of Inverness?—I am not surprised at that. Suppose Fraser gets somebody to sell his whisky for him, what guarantee has he that his whisky has not been mixed by the man who sells it—not with anything deleterious, but with a cheaper malt whisky. Fraser gets 4s. 6d. per gallon, while another distiller only gets 3s. perhaps, and a man may choose to sell whisky and call it Fraser's while there is only a part of Fraser's whisky in it. That may be done, but that is not deleterious whisky. It is not because he puts a deleterious article into it, but simply because he mixes it.

8837. *Mr M'Lagan*.—Do you know what is the effect of this silent spirit upon a man?—It will fill him drunk if he takes enough of it. But I took two tumblers last night 11 over proof, and I am here this morning, and I took the same the night before because I knew I was coming here.

8838. But the specimen before us here is 66 over proof?—It has simply to be diluted to send it out 11 over proof. You cannot make two whiskies. When I speak of grain whisky, I speak of what is made in the Coffey stills. There is also whisky made in the open pot-still. That is the same as you meet in Ireland and in Scotland here in imitation of the Irish. It is that pot-still whisky which has the fusel oil in it. I heard

Mr Haig asked whether spirit made from grain pure without being malted had less fusel oil in it than spirit made from grain malted. He did not answer the question exactly, because he did not refer to pot-still whisky. He did not say whether pot-still whisky made from grain with only a portion of malted grain in it contained more fusel oil in it. Whether that is the case or not I do not know, but I know that pot-still whisky has fusel oil in it, which whisky made from the Coffey patent has not, and that is made to imitate Irish whisky, and is not liked in this country at all. There is a portion of it sold, but not nearly so much in proportion to the other.

8839. *The Chairman*.—Do you sell malt whisky of less than six months age?—Yes.

8840. That whisky does contain a considerable amount of fusel oil in it?—Yes. It contains a certain amount of fusel oil, and the difficulty with me is to know whether that malt whisky when mixed with other whisky from which fusel oil has been eliminated does not contain so small a quantity as not to be deleterious.

8841. But that whisky, I suppose, is often drunk pure?—I should say that malt whisky in that condition is very seldom used in Scotland because of its strong flavour. You must either keep it till it is very old or use it with a portion of grain, otherwise I am afraid most people would not care much about it. There must be a portion of silent spirit to reduce that flavour, especially when used new.

8842. Can you say that, as a rule, there is any difference in the quality of whisky which you sell to publicans and to grocers respectively?—None at all. The publican sells the same quality as the grocer according to his customers. If a grocer has a better class of customers he is able to afford to get whisky with more age upon it, and at a higher price to begin with, but for ordinary customers he keeps the whisky that is cheaper, and the publican, I believe, does the very same thing.

8843. Because the grocers are very determined in telling us that as a rule they sell whisky better and older than the publicans do?—Then the difference is this, that the publican reduces his whisky more because he has to provide house accommodation and service, and has to pay a higher rent, and therefore for the same spirit he must get a little more money, and in order to do so he must put more water into it. That is the only difference I am aware of which can possibly exist. A man who knows his business as a publican will please his customer by giving the best value he can, but with those expenses I have mentioned he must put a little more water into the whisky.

8844. *Mr M'Lagan*.—Then it is all the more an innocent article?—Yes, so far as innocence is concerned. I saw that Mr Duncan M'Laren objected, and in England they object, to whisky being reduced. Why, the teetotallers ought to encourage that, because the weaker the whisky is the better for them. You asked Mr Haig about some improvement in making whisky by putting it two hours into the still. I have had that whisky offered to me.

8845. *Mr Ferguson*.—Made according to Phibbs' aging process?—Yes.

8846. It is the Phibbs' patent you are speaking of?—Yes, from Glasgow. I got samples of it, and I came to this conclusion, that it was not worth half a farthing a gallon to anybody, and I suppose the result has been that this has gone to the wall. Mr Haig has never heard of it, and had it been of any use Mr Haig and the other distillers in the country would have adopted it to improve their whisky.

8847. *The Chairman*.—When you say it was not worth anything, you mean that the whisky was no better?—No better whatever.

8848. Did you take any means to test whether the fusel oil had been taken off?—I am speaking simply with respect to the palate. Commercially, it was no better.

8849. But it might be that there is a great deal of stuff in the whisky that is injurious and yet the whisky may be very palatable?—Had the whisky been better on the palate I should have said that something had been

eliminated, but as it was no better on the palate I did not believe in any elimination at all. I believe it had simply gone through two hours heating, which I don't think does any good to whisky.

8850. But you say that a certain amount of fusel oil makes whisky palatable?—That is in malt whisky, but I don't know it does so in grain whisky. Mr Haig makes grain whisky. Now, I have no doubt that if he were to put his whisky under that process he would not get any more per gallon out of it.

8851. *Sheriff Crichton*.—You are aware it has been frequently suggested during this inquiry that no spirits should be allowed to go into the market till they have been two years in bond. Have you any view as to that?—I don't think, so far as the stomachs of the community are concerned, that it would make one bit of difference. I believe, so far as the palatable character of the whisky is concerned, that it would make a very great deal of difference; because I have no doubt that as mere matter of taste, age improves whisky. I have been forty years smelling whisky for hours every day. I have had rather a *penchant* for it, and I went *con amore* into it, and though I never was intoxicated in my life, I have paid attention to the testing of whisky, and when testing new whisky I am not one whit worse as regards my stomach after new whisky than after old.

8852. You don't swallow it?—You cannot help swallowing a little with the saliva, and if you are testing it for two or three hours a day it is perhaps worse than if you were swallowing a considerable large quantity at once. So far as my experience goes, I do not know that in a health point of view we gain much by age. We gain more in pleasantness. When I say that, I refer chiefly to grain. Malt, from the amount of fusel oil in it, I think, would be the better of having some age.

8853. Then you draw a distinction between the two?—Yes.

8854. *The Chairman*.—Supposing the requirement was not that whisky should be a certain age, but that it should be comparatively free from fusel oil, there you would gain for your consumer?—Well, you know, I don't understand the question of fusel oil. There is more fusel oil in beer. I understand that according to the process of making beer the fusel oil is in the malt there to begin with, and it is afterwards taken out in making whisky. Perhaps that will account for some people not being able to drink beer at all through its making them bilious. But if fusel oil is very deleterious, why does it not show itself on those constantly imbibing beer? I must say that fusel oil has never been a thing that has been settled on any principle whatever, according to my judgment. It is more a prejudice. We know it comes off, but in the small quantities in which it comes off. You eliminate flavour if you improve the quality, and I do not think we are in a position to say that fusel oil in small quantities is deleterious. In small quantities, but the small quantity is what gives the flavour; to some extent flavour is eliminated while the merchantable quality is improved by age.

8855. It has been suggested to me to ask this question: Is it not the case that grocers generally bond their own whisky?—There are many grocers who bond whisky and many who do not. In many cases they have not capital. Those who have the capital will bond their whisky, unless they prefer, which is often the case, to take it from a man who, having dealt amongst it all his life, is able, from his knowledge, to give them whisky without the trouble of blending it themselves, and of a quality which they could not make, but which suits their customers.

8856. It has been said very often by grocers that there is a better article kept by them, and that people prefer to go there for their whisky?—Well, upon the principle I have already mentioned, they are able to give it stronger, and the grocer in many cases has a class of customers who probably are able to pay for a better article. He keeps a plainer article, and he keeps a dearer article, and he sells them out just as his customers are willing to pay for it.

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332. Mr GRAHAM MENZIES, of Messrs Menzies & Co., Caledonian Distillery, Edinburgh, examined.

8857. *The Chairman*.—You have, I believe, a very large business?—Yes. We make a very large quantity of spirits.

8858. Can you give us approximately the quantity of whisky you put out in a year?—In our two works about three million gallons.

8859. And you have very large bonded stores?—Very large.

8860. Do you find it necessary constantly to increase the size of those stores?—Yes, we have been always adding to our warehouses. We find the demand for old whisky increasing very much.

8861. What will be the capacity of your present stores?—I should think about 10,000 puncheons.

8862. That will be about 100,000 gallons?—There are about 150 proof gallons in the puncheon. We have large warehouses in Paisley, Edinburgh, and London.

8863. *Mr Ferguson*.—Then you can store about one-third of your annual production in your bonded warehouses?—Yes.

8864. *The Chairman*.—Do you distil from grain or malt?—From both. At Paisley we distil from malt and at Edinburgh from grain.

8865. Taking the grain distillation, do you eliminate the fusel oil in the process?—We do. I produce a specimen of the fusel oil so eliminated.

8866. Do you consider that by your process the fusel oil is thoroughly eliminated from the grain whisky?—No, I don't think so. I think there is always a certain quantity remaining.

8867. Is that given off by keeping?—To a considerable extent it is taken off by keeping, but there is another ingredient, the ethers, which is also taken off by keeping. They are a very pungent, disagreeable ingredient—not a thing you can readily get hold of, they are so volatile.

8868. *Mr M'Lagan*.—That is the first thing that comes off during the distillation?—Yes.

8869. When does the fusel oil come off?—It is separated in the process.

8870. *Sheriff Crichton*.—Do these ethers exist in all spirits?—I think they do. I think all new spirits contain ethers and oils.

8871. *The Chairman*.—Then how long do you think that grain spirit requires to be kept in order to become pretty free from those deleterious oils?—To be fully free it may require a long time, but if kept for about twelve months I think it would be so free as to be wholesome.

8872. What would you say about malt whisky?—I think it ought to be kept longer. I think malt spirits should be kept two or three years—a couple of years at all events.

8873. Does much of the spirit of both kinds pass out of bond at an early period?—A considerable quantity passes direct, you may almost say, from the still just as it is made.

8874. And from the capacity of your stores it is evident you must turn over the greater part of your stock very quickly if you have storage only for one-third of your manufacture?—Yes; a very large quantity goes direct from the stills. I could easily give you the proportion sent out quite new.

8875. It must be necessarily, as a rule, within three months?—Yes, less than that—quite new, within a week of being distilled.

8876. That passes into the hands of the wholesale dealers?—Into the hands of the dealers and rectifiers.

8877. Does any large quantity of it pay duty and pass out of bond at that early stage?—Yes, a large quantity. In fact, it is never bonded at all; it is sent direct from the distillery, and is not put into the warehouse.

8878. Have you had your attention called to any of the patent processes for eliminating the fusel oil?—We have.

8879. What is your opinion of them?—They are good for nothing; you cannot make old spirits except by keeping them.

8880. *Mr Ferguson*.—Have you seen Phibbs' process?—I think we have.

8881. *The Chairman*.—That is by super-heating it under pressure?—It is good for nothing.

8882. *Sheriff Crichton*.—Have you heard about prune wine?—I suppose it is used for giving the spirits style and character—for giving a peculiar flavour.

8883. You cannot tell us generally when the spirits go into consumption?—No, not when they are removed from our warehouse to another warehouse, but when they are taken away duty paid we know at once.

8884. Does that whisky go into consumption at once?—Yes; nobody would pay a duty of 10s. per gallon except for immediate consumption.

8885. What is the proportion of your whisky that goes out duty paid?—A very large proportion.

8886. And that, you think, must go into immediate consumption?—I don't see how people would pay the duty unless it is to go into consumption at once.

8887. *Mr Campbell Swinton*.—In point of fact a great deal of grain spirit goes into consumption earlier than you think it is wholesome?—Yes. In my opinion it is a great improvement to have spirits matured for at least twelve months before they pass into consumption.

8888. *Mr M'Lagan*.—You don't agree with Mr Ford in that respect?—No. I heard his evidence, but I do not agree with it.

8889. *Sheriff Crichton*.—Then you think that the suggestion that whisky should be kept one or two years in bond is a good one?—Yes.

8890. And the object is to get quit of the fusel oil?—Of the oils and ethers.

8891. *Mr M'Lagan*.—Does that term fusel oil include all the oils and ethers of which you speak?—I should say so.

8892. It is not one oil; it is a number?—The ethers are of a different character.

8893. What is the meaning of the word fusel?—I do not know. I think it is just a trade term.

8894. Does the fusel oil evaporate at a lower temperature than the ordinary spirit which is in the whisky?—I should think it does.

8895. The ethers do?—Yes, I should think they will fly off at 140° or 150°, and perhaps even lower.

8896. Then it will be very easy to get quit of the fusel oil if you wish to do so?—Well, there is a good deal of trouble connected with it. I do not think you can eliminate it completely.

8897. By very slow distillation you could get quit of it?—We do our best to make the quality as good as possible so as to keep up our reputation in the market.

8898. But the spirit without the fusel oil would be comparatively tasteless and flavourless?—Yes.

8899. *The Chairman*.—Do you agree with a gentleman who has written to us—a distiller who has taken a great deal of interest in this question. He says: 'I can here only briefly allude to what I think the fallacy of the general opinion that "fusel oil" is a simple body, the greater or smaller proportion of which in whisky modifies its quality. I believe, on the contrary, that there are a variety of chemical substances generated by the process of fermentation besides alcohol of the nature of "homologous alcohols" and "compound ethers," and that the composition of these, originally present, is changed—first in the process of distillation, and that processes of the same nature go on in the maturing of whisky in bond. The whole subject is a very difficult one, and I am afraid chemical science can scarcely grapple with it in a way to explain it fully. Assuming, however, that fusel oils become modified as described, it explains matters of which the experienced distiller becomes well aware.' Then he goes on to speak of the form of the stills and so on. He says, 'That certain substances present in the casks in which the whisky is stored—notably the tartar deposited from sherry wine—facilitate the decomposition of the coarse and poisonous ethers, &c., originally present, the whisky in consequence becoming more palatable and wholesome.' That would explain why the fusel oil is absorbed or removed in casks?—I think that is a very good explanation of it.

8900. *Mr M'Lagan*.—You cannot give us any idea of the composition of fusel oil?—No.

8901. *The Chairman*.—This gentleman thinks that the high rate of storage rent in the Government bonded stores discourages dealers from keeping whisky long enough?—I do not think it does. I do not think the rent, from anything I have heard, is excessive. Our practice is to give our customers store rent free for twelve months, they furnishing their own casks.

8902. Do they avail themselves much of that privilege?—To some extent they do. I have no doubt that we have many thousand puncheons in our warehouses at present belonging to customers.

8903. Still, if you have only storage for three or four months it cannot be done to a very great extent?—Without referring to our books I could not very well speak of the exact quantity, but it is very considerable.

8904. *Mr Ferguson*.—And it is the increasing demand for keeping it that causes you to go on increasing your warehouses?—Yes.

8905. *Mr M'Lagan*.—Is grain whisky being far more used now than malt whisky?—I think it has been increasing. Of late years, however, there seems to be more demand for malt. I think the taste is rather going back to malt. In England there is a very considerable demand for old still grain whisky.

8906. *Sheriff Crichton*.—You have heard it mentioned that some people get drunk on a single glass of whisky in certain publichouses. Have you any opinion as to that?—I heard Mr Ford's explanation—that it is due to persons taking spirits without any food—and I think that would contribute to it.

8907. Are you aware of any deleterious substances being put into whisky to cause that?—I am not aware.

8908. Have you ever heard of anything?—I have heard of vitriol and other things being put into whisky.

8909. But would vitriol make a man intoxicated?—It would make the whisky pungent.

8910. But it would not produce rapid intoxication?—No.

8911. *The Chairman*.—Then fusel oil has a value?—I think we are getting about 1s. 3d. per gallon for it just now. It is used for burning. We burn it in our works, and I believe it is mixed with other oils for lubricating.

8912. *Mr M'Lagan*.—It is used with spirits of wine for burning?—Yes, but it makes a horrible smell. In malt barns, where there is a current of air, we burn scarcely anything else; but it has a horrible smell, and you cannot burn it in a room.

8913. Is it burned in any particular lamp?—In a common open tin lamp.

333. Mr JOHN FALCONER KING, examined.

8914. *The Chairman*.—You are public analyst for the city of Edinburgh?—I am.

8915. And you are a professional analytical chemist?—I am.

8916. Has it been your duty to test spirits exposed for sale?—I have done so, but only to a limited extent. The people of Edinburgh do not seem to think it necessary to have their spirits analysed.

8917. Do you mean the authorities?—I have not received many samples from the authorities.

8918. You only analyse what is sent to you for that purpose? It is not your duty to inspect?—No.

8919. But you have had some samples sent to you?—Yes, I have.

8920. Can you tell us how many? May you have had a dozen?—I have not had a dozen from the authorities, but in general practice I certainly have had a dozen.

8921. Can you say whether they came from publicans or licensed grocers?—Generally they are sent by private individuals, and I have no means of knowing where they come from.

8922. Can you tell us what the results of these analyses were?—I have never found any adulteration

worth talking about beyond water and a little colouring matter, such as caramel or sugar. EDINBURGH.

8923. What is the greatest quantity of water you have found?—Enough to bring the whisky down to about 30 per cent. of alcohol. I think whisky runs about 48 or 49 per cent. of alcohol, and 30 is the lowest at which I remember getting it. *Graham-Menzies.*

8924. You mean that whisky contains from 48 to 50 per cent. of pure alcohol?—Yes.

8925. And you have found some specimens as low as 30?—Yes.

8926. That would represent about 60 per cent. of proof spirit in the sample?—I do not know what the proof spirit is. I suppose proof spirit contains about 50 per cent. of alcohol.

8927. Then it would be adulterated to the extent of about 40 per cent.?—If you mix it with its own bulk of water you bring it down to 25 per cent. of spirits.

8928. You said that whereas whisky may be expected to contain 50 per cent. of alcohol, the poorest spirit you found contained about 30 per cent.?—Yes.

8929. That would make a dilution to the extent of about 40 per cent. of water?—It depends upon whether you mean an added dilution or a contained dilution. If you take a pint of spirit and mix it with a pint of water you put in 100 per cent. of dilution, but it only contains 50 per cent. of adulteration.

8930. *Sheriff Crichton*.—Pure spirit contains about 50 per cent.?—Yes.

8931. And the samples you have spoken of contained about 30 per cent.?—Yes.

8932. *The Chairman*.—Did some of those samples contain a large amount of fusel oil?—No. I never found a sample containing any appreciable amount of fusel oil.

8933. Then the specimens submitted to you were wholesome spirits?—Precisely; with the exception of water being added to them they were all right.

8934. But they might be more or less palatable?—Well, they were not unpalatable. I never found an unpalatable sample sent to me.

8935. *Sheriff Crichton*.—Is fusel oil easily detected?—Oh, the smell is atrocious.

8936. But is it easily detected in whisky?—Yes, by the smell. If you have a sample of whisky containing from $\frac{1}{1000}$ to $\frac{1}{10000}$ part of its weight of fusel oil the smell is most distinct—even in that large dilution.

8937. *The Chairman*.—What do you think is the smallest proportion of fusel oil that could readily be detected?—I think that is about the smallest that could be detected by smell, viz., two parts in one thousand or even one part in one thousand.

8938. Are you aware of the qualities of whisky that contain more or less of those deleterious elements?—Of this amylic alcohol?

8939. Yes.—I suppose it is to be found most in whisky when it is newly made. It becomes etherised. The alcohol becomes etherised, and the original character of the alcohol disappears.

8940. Then if it was a part of your duty to say whether whisky contained about a certain fixed amount of those elements—because they change their names—you would have no difficulty in determining the amount?—To determine the exact amount of amylic alcohol mixed with alcohol is extremely difficult.

8941. But the question is whether you would have any difficulty in saying that the amount of amylic alcohol, to take that as the proper expression, was more than a certain quantity?—Yes, because when it gets to anything like the proportion which I have mentioned, one or two parts out of a thousand, the smell becomes so distinct that any person can detect it.

8942. *Mr Ferguson*.—Is amylic alcohol fusel oil?—Fusel oil is not pure amylic alcohol, but that is the principal ingredient.

8943. What is the other ingredient?—Ethylic alcohol.

8944. *Mr M'Lagan*.—What is the difference between amylic alcohol and ethylic alcohol in fusel oil?—They contain the same things—carbon, oxygen, and hydrogen—but in somewhat different proportions. Amylic alcohol boils at a considerably higher temperature than ethylic alcohol.

EDINBURGH.

John Falconer
King.

8945. Does it evaporate at a higher temperature?—It evaporates at all temperatures. You cannot separate the two by distillation, because the vapour of amylic alcohol possesses a certain tension even at the ordinary temperature of the air.

8946. *The Chairman*.—There is very great difference of opinion as to the time which is required to eliminate those elements?—The amylic alcohol, I think, is really converted into ether; I do not think it is eliminated; and of course the amount of time required would depend on the amount of material present to convert it. Alcohol is converted into ether by certain acids. In wine we find a considerable amount of acid, and there, I suppose, it would take place more quickly.

8947. One distiller says that if the process is properly carried on the spirit becomes matured very much more rapidly?—That depends on what he means by properly carried on.

8948. What he says is: 'We find that spirit made from good malt, and otherwise properly treated in the process of manufacture, has in a few minutes attained the requisite mellowness to pass into consumption'?—That is a little vague as a description of what the correct process is, but I am not aware of any process in the ordinary manufacture of whisky that would increase the rapidity with which this change would take place.

8949. But there is a process by which in grain spirit the fusel oil is almost all removed in distillation—the Coffey still?—That, I suppose, is a peculiar still; I am not acquainted with it.

8950. *Sheriff Crichton*.—Can you tell us anything about this rapid intoxication which takes place by swallowing a glass of spirits. Can you tell us what causes that?—Well, I don't think it takes place, and I certainly cannot explain the cause of it.

8951. You do not know of any substance that could be added to whisky which would cause that rapid intoxication?—Well, you could produce certain effects on the brain by putting in perhaps ordinary ether or chloroform, and I have heard of Cayenne pepper being put in.

8952. *Mr Ferguson*.—Would Cayenne pepper have that effect upon the brain?—Well, no, I don't think it would. I am just speaking of things which I have heard.

8953. And would not chloroform be more expensive than the whisky itself?—Yes, it would.

8954. *Sheriff Crichton*.—Then you give no credit to the accounts we have heard of people getting so rapidly intoxicated upon one glass of whisky?—Not from adulteration. I daresay a man in weak health, or fasting, may be more easily influenced.

8955. You think that the state of his constitution would cause that rapid intoxication, but nothing in the state of the whisky itself?—Yes.

8956. *The Chairman*.—A paper has been put into our hands, in which a gentleman says, 'I conclude that there are two distinct varieties of fusel oils,—the one amylic alcohol, having its origin in the fermented extract of amylaceous matters, the starch of potatoes and unmalted grain, and derived even from the starchy part of insufficiently malted grain. Hence arises the hot, coarse flavour of what is sometimes brought into the market as malt spirit, no doubt made from malt, but malt badly prepared. The other variety of fusel oil is a compound ether composed of lauric acid (probably also several homologous acids lower in the scale, such as cupric, pelargonic, &c., in minute quantity) and one or several gaseous or highly volatile hydrocarbons. This variety of fusel oil is produced in the fermentation of the extract of malt. The presence of this body, in minute proportion, and of other compound ethers derived from its decomposition in the process of maturing, is demanded by the public taste in the beverage prepared for consumption.' Is that correct?—Well, there must be something else in spirits of wine than the pure spirit or it becomes very unpalatable. I do not think it is very well understood what the things are that confer the peculiar flavour upon whisky, because, so far as I know, it has never been imitated. There certainly must be something else in it, and I believe there is a

certain amount of fusel oil either in its natural state or partly changed in all whisky.

8957. But this distinction would be that in the one case the amylic alcohol arising from insufficiently malted grain is the material adulteration, whereas the other, composed of an extract of malt, would flavour but not be unwholesome?—Perhaps he means to say you might add some ethers, which he also calls a different kind of fusel oil. I can believe that. He mentions pelargonic ether, which has been sufficiently identified in brandy and wine.

8958. *Mr M'Lagan*.—With regard to amylic alcohol and ethylic alcohol, is the one easily convertible into the other?—No.

334. *Mr ANDREW USHER*, of Messrs Andrew Usher & Co., Distillers, Edinburgh, examined.

8959. *The Chairman*.—Do you distil spirits in very large quantity?—No, we do not distil a very large quantity—about 3000 gallons per week. We are, besides, dealers in whisky—I mean that we purchase from other distillers to a very large extent.

8960. In the first place, do you distil grain or malt whisky?—Malt whisky entirely.

8961. Have you bonded store accommodation sufficient to keep it for a considerable time?—We have very large stores.

8962. Would you be able to keep a year's manufacture at a time?—A great deal more; but we store other whiskies as well as our own.

8963. Do you sell much malt whisky when it is very new?—No, not so much malt whisky; it is principally grain whisky that is sold new.

8964. Can you say that you sell any malt whisky within three months of its manufacture?—Yes, a good deal.

8965. You sell some quite new?—Yes, some quite new.

8966. Is it sold duty paid?—Yes, a large quantity is duty paid and goes into consumption shortly after being made—within a week or two.

8967. That whisky contains, I suppose, a good deal of this fusel oil of which we have heard so much?—Well, I do not know. We make it as free as possible from fusel oil. I do not know that it is fusel oil that is in malt whisky. I do not know it has the same character. I think that in the process of malting a great deal of the objectionable oils are absorbed.

8968. Do you consider, then, that malt whisky is fit for immediate consumption?—I think it is perfectly wholesome. The process of making malt whisky is identical with the making of ale. The ale or wash is distilled, and a large portion of the essential oil that would remain in the ale is kept back by distillation.

8969. The malt whisky fetches a higher price than the grain spirit?—Yes.

8970. We have been told that hitherto this oil, or whatever it is, is generated in the process of manufacture and does not exist before—that it is a chemical effect of the process of manufacture?—Distilling is simply the ale being boiled, and I do not see how that can be. It is boiled in a still. There is no chemistry employed in the matter at all.

8971. *Sheriff Crichton*.—You heard what Mr Menzies said—that malt whisky would require to be kept for two years?—I don't agree with him. Of course I think it is all the better of being kept: it is more palatable.

8972. *Mr Ferguson*.—You agree with Mr Ford that it makes no difference?—No, I do not say that. I think that keeping whisky in wood improves it very much.

8973. He said it improves the palatableness and commercial value of the whisky, but he did not conceive it improves its wholesomeness?—It is generally understood that the wood absorbs a large proportion of any oil that may be in it.

8974. But you seem to tell us that there is very little

fusel oil in malt whisky?—I don't think there is much.

8975. And therefore it is wholesome and fit to be used?—Perfectly wholesome. I don't see there can be anything unwholesome about it.

8976. *Sheriff Crichton*.—You have heard the suggestion about keeping whisky for one or two years in bond. Have you any view upon that?—I think it would be a great interference with the trade for any government to insist upon such a thing.

8977. Would it be any benefit to the consumer?—It would be a benefit in this way, that he would get better stuff to drink.

8978. *Mr. Ferguson*.—He would pay more for it?—He would pay a good deal more for it.

8979. Have you heard of or tried any of those patent processes for aging whisky?—Yes; I am trying one just now—a new patent which has been brought out this year—a French patent belonging to a Mr Vignier.

8980. You cannot tell the result yet?—Well, we have tried it in experimental stills and found it made a very pure spirit. The only way in which we can judge of any oils being in malt whisky is by the slight discoloration when mixed with water at a certain strength. When there is a large portion it assumes a slightly bluish tinge.

8981. Have you heard of Phibbs' patent?—No, I never heard of it.

8982. *The Chairman*.—Your view seems to differ from what has been put before us in this respect. One gentleman who has written a very scientific statement on the nature of those oils says that a certain gas is given off in the first portion of the distillate called the foreshot?—That is not a gas. It is a highly impregnated liquid.

8983. He thinks this gas precipitates into an oily compound. Is that not so?—I do not know. The foreshot comes from the first part of the running of the still, and it is run into a separate vessel.

8984. But is there not a gas given off at that stage of the process?—It is not a gas that we can attach in any way. I do not know anything about it. Distillation is a very simple process. It is just the ale being boiled and the spirit coming off in steam that is condensed, and we retain the finer portion and re-distil the coarser portion.

8985. *Mr M'Lagan*.—What is the composition of that foreshot which comes off?—I never had it analyzed. It is very oily.

8986. It consists principally of essential oils?—Yes.

8987. And there would be a good deal of fusel oil in it?—Well, I don't know the difference. I fancy there must be a difference in the composition of the oil got from raw grain or Indian corn as compared with what is got from the pure malt.

8988. What is done with the foreshot?—It is run into a separate vessel and returned to the first distillation process, where it is purified by re-distillation.

8989. Is it your opinion that that foreshot is changed in composition by being re-distilled?—I do not think so, but there is a large portion left in the liquid to which it is returned, and that goes down the drain.

8990. And that tends in great measure to give a flavour to the whisky?—It is difficult to say that, because in the process of making malt for distillation the malt is dried with peat both to flavour it and give it a soft delicacy. It is to that we look for delicacy of flavour in fine whisky.

8991. It is not to the essential oils?—Well, they are so mixed that you can hardly separate them.

8992. *The Chairman*.—In addition to dealing in the whiskies you buy from other distillers, you blend spirits?—Yes.

8993. What sort of spirits are those?—In the ordinary blending process there is grain whisky, Glenlivet, and our own principally.

8994. Do you also use foreign manufactured spirits?—We sell brandy but not Berlin spirit.

8995. But for blending do you use German spirit?—No. We never use it at all.

8996. Berlin spirit is German spirit?—Yes.

8997. Do you know of that being used in the trade? *EDINBURGH*.—Yes, I think it is very largely used, more especially, I believe, in Glasgow. It makes a cheaper article.

8998. Do you think there is anything unwholesome in it?—Well, I had occasion lately to notice a rather curious thing in reference to a sample of Berlin spirit, which was, of course, quite transparent. I happened to mix it with water, and left it on my desk, and next morning it was a bright yellow colour. That would not have taken place with ordinary spirit. My idea is that it is chemically prepared to make it quite flavourless. Potato spirit is a very harsh spirit, and I fancy they require to use some chemical process to do away with that coarse flavour.

8999. *Mr M'Lagan*.—Do you know the nature of the water you used?—The ordinary Edinburgh water. To satisfy myself I again tried it next day. I put it into another vessel and saw that the water was perfectly pure, and again it had this bright yellow tinge.

9000. Are you aware that if you do that with brandy—if you mix it with a little water containing iron—it produces the same colour?—I did not know that. Our own grain spirit does not do it.

9001. No whisky will do it, but if you mix it with anything taken from the vine, which contains a particular acid, it will produce it?—I have never noticed it with brandy.

9002. And if you try it with Hock wines you will perhaps find the same thing?—I never noticed it.

9003. That is, if the water contains iron?—But I was speaking of our own town water.

9004. What does it in brandy is the tannic acid?—Well, in this case it was perfectly neutral spirit. It had no smell, and very little taste except pungency.

9005. *The Chairman*.—Then it is your opinion that grain spirit unless purified in a particular process contains a larger amount of fusel oil than malt spirit?—To distil grain whisky from the first material, what we call the wash, it cannot be done with an ordinary still—with what we call the pot-still—because it is so highly charged with oily matters. It is made from Indian corn and millet seed, and these contain a larger proportion of oil than barley; and they have to run it of a strength of from 65 to 68 over proof in order to get rid of the oils.

9006. Now, do your customers who are grocers generally bond their whisky in buying it from you?—A great many do.

9007. The larger ones, I suppose?—Yes.

9008. And I suppose the poorer men have to bring it into use more quickly?—Yes; but the taste is growing very rapidly for older whiskies. We find now the demand very much increased for old whisky, and they get it when they are willing to pay the price for it.

9009. Do you think there would be any hardship in its being required that new spirit should not be brought into consumption if it contained more than a certain percentage of fusel oil?—No, I do not.

9010. You think that would tend to the whisky being properly matured before it was sold?—I do not think that the whisky which is sold, according to the evidence we have had previously from chemists, contains anything bad in it. Analytical chemists have tried a great many samples in Edinburgh and Glasgow, and have never found anything deleterious even in the shape of oils.

9011. They have never found any positive adulteration but they have found the presence of fusel oil?—There is no whisky free from it.

9012. But is it not the case that it escapes as it is kept a longer or shorter period?—Well, something must escape because a great evaporation goes on, and I fancy that the wood absorbs a certain portion of the oil.

9013. But I suppose there is no doubt that really old whisky is almost free from fusel oil?—Well, I don't think so.

9014. You do not think that the keeping of whisky does any good in a sanatory point of view?—I think it does. I think it is more wholesome; but I do not think that keeping absorbs the whole of the essential oils in the whisky.

Andrew Usher.

EDINBURGH.

9015. Not wholly?—No.

Andrew
Usher.

9016. But whisky a year old would be much more free from fusel oil than whisky a month old?—I cannot say what proportion of absorption takes place, but certainly there is a considerable absorption.

9017. Whisky two years old would be comparatively free, would it not?—It is a difficult thing for me to say that. I think the oil is absorbed to a considerable extent, and that the whisky improves very much as an article for drinking. It is much more pleasant, but whether it is more wholesome or not I do not know.

9018. Then the cheaper whiskies for which you have orders as a rule are newer whiskies?—Newer whiskies.

9019. Have you anything else to add?—As regards the patent I have referred to, it is simply a washing of the steam as it escapes from the still. I think it is a very good thing, and if extended I think it might free the spirit to a very considerable extent from the essential oils that are left in it.

9020. *Sheriff Crichton*.—It is a patent used in the process of distillation?—It is a new patent taken out by a Frenchman, Mr Vignier.

9021. And used in the process of distillation?—Yes. Supposing there is a column of water, the steam enters the bottom of it and is washed and escapes at the top, and this water which is impregnated with oil is run back into the still again after the process is over.

9022. It is just washing the steam, which becomes spirit as it is going through the water?—Yes.

9023. *Mr Ferguson*.—Is that water heated?—It is heated.

(See also App. D, p. 498.)

335. Mr PAUL HELM, Supervisor of Excise at Leith, examined.

9024. *The Chairman*.—We have asked you to give us some information as to the age at which whisky is removed from bond. In the first place, will you speak of Leith alone or of the bonded stores in Scotland?—Of Leith alone.

9025. What is the amount of Scotch-made spirits kept in store at Leith?—We have a very large quantity. I cannot exactly say what it is, but we have about 160,000 gallons just now.

9026. That is not a large quantity, because we have heard of distilleries which put out eight or nine million gallons a year?—Yes, but this is a warehouse belonging to one individual; it is not the whole of Leith. I have nothing to do with the customs. There are very few Excise warehouses. There are only two Excise warehouses, the rest being almost Customs warehouses.

9027. Can you tell us the ages at which whisky is removed?—I produce a return of plain British spirits delivered for home consumption from Excise General Duty Free Warehouses, Leith, from 1st July 1876 to 30th June 1877. That table is as follows:—

	TIME IN WAREHOUSE.													Total number of casks.
	Under one month.	One month and under two.	Two months and under six.	Six months and under one year.	One year and under two.	Two years and under three.	Three years and under four.	Four years and under five.	Five years and under six.	Six years and under seven.	Seven years and under eight.	Eight years and under nine.	Nine years and under ten.	
No. of Casks,	1187	283	303	273	177	60	25	4	3	...	...	...	1	...
Percentages,	51.2	12.2	13.0	11.3	7.6	2.5	1.0	.1	.1	...	...	...	.0	...
														2317

9028. It appears from this table that 51.2 per cent. is removed under one month?—Yes.

9029. You have no knowledge of the foreign spirits brought into bonded stores?—I can only speak for the Excise bonds. Last year about 80,000 gallons of foreign spirits paid duty in the Excise bonds at Leith. Sometimes there is more, but last year the quantity was low on account of the purchase of more British spirits of wine for methylation purposes. It is all used for methylation purposes.

9030. The spirit you have now spoken of is all used for methylation purposes?—Entirely.

9031. What is the charge made to the holders of those stocks for storage in the Government bonds?—I think it is a penny per week for 40 gallons in the Government stores. There are no Government stores in Leith belonging to the Excise. I do not know whether the Customs have any of them.

9032. Has foreign spirit, within your knowledge, ever been mixed with British spirit while in a bonded store?—Not so far as the Excise are concerned. In the Customs they rack and blend, but we do not blend foreign and British spirits in our bond. I may say that I cannot speak as to whether the spirits are sent out to grocers or to publicans, because we make no distinction, so that there is no way of arriving at the probable quantity sent to grocers.

(See also App. D, p. 496.)

import?—Brandy and wines. Rums we generally buy in the London, Liverpool, or Glasgow market. All our whisky we get from Scotch distilleries.

9037. Do you import German spirit?—Very little.

9038. What is it used for?—For blending with other whisky.

9039. With British spirit?—Yes.

9040. Is it a wholesome or coarse spirit?—It is both wholesome and fine—not coarse.

9041. Is it potato spirit?—I understand so. The quantity we use is very small, not perhaps one or two per cent. of our whole spirit trade.

9042. Is it used to produce a cheap spirit for consumption?—It is just when the margin is sufficient to make it important to sell. It is merely a matter of price.

9043. It is to make a cheap spirit?—Yes, to cheapen it.

9044. I suppose much of the whisky you buy is quite new?—A great deal of it.

9045. You buy both grain and malt spirits?—Yes.

9046. Do you blend your spirits?—Yes, the great bulk of our spirits.

9047. Is that necessary to produce a marketable article?—We think so.

9048. Do you mix new and old?—Yes, new and old and malt and grain.

9049. Do you sell very low priced whisky?—No, nothing under our neighbours' price.

9050. But I suppose most dealers have spirits at different prices?—We begin just now at about 14s. 9d. or 15s. and go up as high as 17s. per gallon. That is the duty paid price per bulk gallon about 11 over proof.

9051. Then you sell nothing under 2s. 4d. per bottle, because 14s. per gallon would be exactly 2s. 4d. per bottle?—Yes, about 15s., or 2s. 6d. per bottle.

9052. Would whisky at 14s. 9d. be whisky under six months age?—Part of it.

9053. Then you mix some new whisky with older whisky?—Yes.

9054. You do not sell to consumers any whisky quite

336. Mr JOHN SOMERVILLE, of Messrs John Somerville & Co., Leith, examined.

9033. *The Chairman*.—Are you distillers or spirit-merchants?—Spirit-merchants.

9034. You purchase your stocks from the distillers?—Yes.

9035. And I suppose you also purchase imported spirits?—We import our own foreign spirits.

9036. Of what kind are the foreign spirits you

John
Somerville.

EDINBURGH.
—
John
Somerville.

fresh from the distiller?—Almost never. If we have an order for that sort we generally give it to the distiller to execute the order, and he sends it direct and charges us with it.

9055. Is there in the retail trade much whisky sold that is quite new?—The bulk of it is mixed with old whisky.

9056. In what proportion would the cheapest spirit you know be sold?—I do not know what my neighbours do.

9057. But what do you know of yourself?—Generally from one-third to one-fourth of malt spirit, which we always have older than the grain spirit.

9058. Your malt spirit is always old?—Generally older.

9059. Why is that always old while the grain whisky is sold new?—Malt spirit takes longer to mature, and it gets a body which it has not when new, and it improves the grain spirit much more than new malt spirit would.

9060. Is the grain or the malt whisky more charged with fusel oil?—The grain spirit has almost no fusel oil at all, or very little.

9061. How long does it take for malt spirit to free itself?—It depends on the whisky itself. If it is very light malt it will be free much earlier than in other cases. In a higher class whisky, such as Glenlivet, and Islay, and north country whisky generally, it takes a much longer time to get quit of the oil, and these whiskies require more maturing. The fact is, that the cheaper whisky is the more free it is of fusel oil. The thinner malt whisky and all grain whisky has less fusel oil than the higher class whiskies.

9062. Does one class of dealer buy a better article from you than another does as a rule? Does the grocer buy a better article from you than the publican buys?—Not as a grocer. You may have high-class men in either trade buying a superior article, but not because one is a grocer or another a spirit-dealer.

9063. Now, seeing there is such a difference among whiskies, is there any age that could be imposed as a fair test before which whisky should not be sold?—I think not. New grain whisky sent out the week it is made is quite wholesome, especially when blended with a certain proportion of old malt whisky. It is quite wholesome in itself, but we improve it for the market in the way we do.

9064. On the other hand, it is admitted on all hands that this fusel oil above a certain quantity is unwholesome?—Yes, I think so.

9065. Then it would be possible to require that there should not be more than a certain number of thousandths parts of fusel oil present in the spirit?—I should fancy that an analyst could detect that at present.

9066. Do you think that there would be no practical difficulty supposing there was a law that no whisky should be sold for consumption in which there was more than a certain amount of fusel oil that could be ascertained?—That could be easily ascertained.

9067. You think that would be fair?—Yes, in that case it would be adulterated whisky—there would be too much fusel oil in it.

9068. *Mr Campbell Swinton*.—Do you think that would be a better test than a test from age?—I think so. The same age would not affect those high-class whiskies as it would do grain whisky.

9069. *The Chairman*.—They would require to be kept longer?—Yes—years very likely. I should think it would take three to five years to mature some malt whiskies, while grain whisky would be as matured in one year.

9070. Then there would be no hardship done to any honest trader by such a requirement as that, because they could sell a cheap article but not an unwholesome article new enough?—Yes, it is quite wholesome new.

9071. Now, not regarding your own business, but

from your knowledge of what goes on, have you ever heard of real adulteration of spirits?—I have heard of it, but have never seen it.

9072. What have you heard of as being put into it?—Vitriol and some acids, the names of which I do not know.

9073. But you have heard of it in such a way as that you believe it was really done?—No, I believe it was not done.

9074. You think it was a false statement?—Yes. I have had about twenty-five years' experience, and I never saw it. I have heard of it being done by other people, but I never could find out who it was or how it was done, and I never believed in it.

9075. As regards the dilution of spirit, is that done by the dealer or the retailer?—By the retailer.

9076. And then something is done, I suppose, to restore the flavour after the dilution?—Nothing that I know of.

9077. You think they do not put anything in?—No.

9078. Essence of prunes, for instance?—A few ignorant people may do so; but not as a rule.

9079. As regards brandy, is the dilution of brandy done entirely by the retailer?—New brandy is imported about proof. It is usually sent out to the trade one, two, or three years old, and then it is from 10 to 14 under proof. When the strength has not fallen off to this extent, either through age or having been kept in a wet bond, it is reduced with water to the above strength. If kept in a dry bond the quantity always falls off, while the strength is very little, if anything, reduced. It comes over in cases also, which are sent out, as they come, and about the same strength, but coming over in wood it goes out as I have mentioned.

9080. Then if a hotel-keeper diluted his brandy it would probably be that he imported it himself?—Or imported it old. It would be down in the strength so much as not to require any further reduction. A first-class hotel will have brandy of 1863 or 1865 which will be down 20 or 25 or perhaps 30 per cent., in which case it does not require to be reduced.

9081. But the same thing might be done by a grocer. A grocer might purchase brandy about proof and reduce it?—If it is new. It depends on the strength at which he wishes to send it out, and the price he is going to sell it for.

9082. But old brandy will not stand reduction?—Not so much. It depends on the strength at which it comes in. They generally have a standard strength at which to send out brandy—14 or 20 under proof. If it is old brandy down 10 or 14 of itself, they will reduce it 10 per cent., but the brandy sold by dealers is generally 12 or 14 per cent. under proof.

9083. *Mr M'Lagan*.—We were told that the whisky which some publicans keep, and which produces such bad effects upon people, contains a great deal of that fusel oil, and is a cheaper kind of whisky. Now, your evidence would go to show that the highest class whiskies contain the most fusel oil?—When new.

9084. Well, it is not likely that the publicans would buy that high class whisky?—They do not, as a rule.

9085. They generally buy grain whisky?—Generally blended whisky—grain whisky and a portion of old malt, making a very palatable and wholesome liquor.

9086. Then do you think there will be any use of the Commissioners recommending that whisky should be kept a certain time?—Not the slightest use.

9087. For the safety of the public?—They can get it now if they wish it. If people wish old whisky they can get it.

9088. But new whisky is as good for a man as old whisky is?—Quite as wholesome.

9089. *The Chairman*.—I have been requested to ask you whether you can distinguish between diluted new brandy and brandy reduced naturally from age?—I should think so. The difference is very great.

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APPENDIX A.

ANSWERS TO QUERIES SENT BY COMMISSION.

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ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
ABERDEENSHIRE. CHIEF CONSTABLE.	Without doubt sale is extensive, and I believe from observation is increasing.	The system affords facilities which tends to increase the use of spirits. Call attention to practice of cart-perambulating the country, and carrying liquor to the very door.	Evasion is habitual, both in back shop drinking, and in drinking just outside the shop door.	Granting of licences should be in the hands of the Sheriff or Stipendiary Magistrate, quite outside the pressure of local influence or connection. Without something being done in this way, cannot see how the question can be effectually dealt with. As regards renewals, Chief Constable or Superintendent of Police should report whether the applicant has carried on his business satisfactorily, even though no conviction should have been obtained against him.
CLERK OF PEACE.	Numbers of licensed houses in county slightly increased in last six years.	Have no means of knowing if this has tended to increase drinking habits.	There are cases of evasion by drinking on premises, but they are not numerous.	
ABERDEEN. SUPERINTENDENT OF POLICE.	Am of opinion that a large trade is done. Number of licensed grocers has decreased from 297 in 1872 to 276 in 1877.	My returns show an increase in drunk and incapable, and number drunk when apprehended.	There are evasions, but have only obtained 14 convictions during the last year.	If trades could be conveniently disjoined, fewer evasions could be perpetrated without detection, and a considerable labour saved to the officers looking after such trades.
INVERURIE. PROVOST.	Sale neither extensive nor increasing. Eight such licences, three of which porter and ale only, to 2500 population.	Facilities afforded produce an injurious effect on the people. Children, by being made messengers, are tempted to drink themselves.	Evasion in every such, more especially in small shops. The police have great difficulty in detecting them.	Would suggest, if such licences are to be continued, that no shop should be licensed under £25 rental.
KINTORE. PROVOST.	Sale pretty extensive, and there is an increase of one shop only in the neighbourhood.	Facilities have not in any degree increased consumption, and have produced no injurious effects. It keeps people from the publichouse.	Not aware of any evasion.	Prefer the present system. It would be injurious to force people to go for liquor to the publichouse.

ANSWERS TO QUERIES.

Name of Place and Informant.	1ST QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2D QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3D QUESTION. Is there any evasion of the laws in respect of such sale?	4TH QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
PETERHEAD. PROVOST.	Sale extensive, and from rapid increase of population is only to be expected.	Not aware of any injurious effects to the people.	Not aware of any evasion.	Numbers of licensed houses have diminished in last twenty years from 92 to 44. Magistrates are very particular as to character of applicants for licences. Very little drunkenness here except when influx of strangers for herring fishing.
ARGYLLSHIRE. CHIEF CONSTABLE.	Sale extensive, and I believe increasing.	Facilities have tended to increase use of spirits and produce injurious effects.	Believe there is evasion, though I have had few complaints.	There should be restriction to quart bottle minimum, corked and sealed.
CLERK OF PEACE.	Sale is not extensive, and not increasing.	Cannot say if facilities have increased consumption or produced injurious effects.	There have been no convictions in this district.	
INVERARY. PROVOST.	Sale considerable, but not extensive or increasing.	Sale has not increased use, nor produced injurious effects.	There has been no evasion in this burgh.	
OBAN. CHIEF MAGISTRATE.	Sale not extensive, and not increasing.	Facilities afforded have injurious tendency.	There is no evasion.	
AYRSHIRE. CHIEF CONSTABLE.	Sale extensive and increasing.	Facilities have tended to increase use in families of working classes.	Considerable evasion among smaller class of grocers. Almost impossible for police to prove offence.	There should be a standard as to size and construction of premises, so as to root out the small grocer, almost entirely dependent on his sale of liquor. House and shop should be separate. They should be restricted to publichouse hours, and limited to sale of spirits in closed bottles.

ANSWERS TO QUERIES.

	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
Name of Place and Informant.				
AYR. PROVOST.	Sale not at present increasing.	Cannot answer this question.	No convictions for a number of years. Police report that it is difficult to substantiate such charges.	
SUPERINTENDENT OF POLICE.	Sale is extensive but not increasing.	Facilities have tended to produce injurious effect.	Believe there is evasion. It is very difficult to detect.	Grocers' licences are the worst of all, and should never have been granted.
ARDROSSAN. BURGH OFFICER.	Sale extensive, and gradually increasing in proportion to the population.	Facilities have tended to increase use of spirits, and have an injurious effect.	Law is evaded by back-shop drinking.	Hours should be the same as those of publican.
KILMARNOCK. PROVOST.	Sale is extensive, and I think is increasing.	Facilities are given by the system to women and men who would not enter a publichouse.	Law is evaded, and tipping carried on in back shops.	Licensing body should be restricted in numbers both in burghs and counties. Numbers of licences should be restricted by a hard and fast line according to population.
SUPERINTENDENT OF POLICE.	Sale is not in my opinion increasing.	Facilities have tended to increase the use of spirits.	The law is no doubt evaded.	No private party will give information, and conviction can only be obtained through the police.
BANFFSHIRE. CHIEF CONSTABLE.	Sale is extensive, and I think it is increasing.	Facilities tend to injure the habits of the middle and lower classes.	There is evasion. Believe two-fifths of licensed grocers evade when there is opportunity.	Back and side doors in shops, and unwillingness on part of those supplied to give evidence, make it very difficult to detect and obtain convictions. Sale should be in pint or quart bottle corked and sealed, and only one entrance allowed.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
BANFFSHIRE. CLERK OF PEACE.	Slight decrease in number of licences.		One conviction only since 1853. It was in 1856.	Grocers' carts, which are now sent all over the country, by bringing spirits to the people's doors, who would otherwise seldom think of buying, may tend to produce an injurious effect on the habits.
BANFF. PROVOST.	In 1863 there were 40 licences; in 1877, 53. Shows an increase.	System has not had injurious effect on people.	Very little evasion has come to light.	If dealers' licences were only granted to respectable men, and there were no publichouses, the effect would be beneficial.
SUPERINTENDENT OF POLICE.	Sale not extensive; numbers not increased for some years.	Facilities produce an injurious effect on people.	No evasions known to Police.	Drinking habits have been prevailing in this town by mere boys and females even of better class. On enquiry find they obtain drink at grocers' shops, when they would be ashamed to go to a publichouse.
CULLEN. PROVOST.	Sale not extensive and not increasing. One licensed grocer to every 1000 people.	Facilities not produced more injurious effect on habits of people than heretofore. Habits would improve by non-existence of these facilities.	There is evasion.	Laws unsatisfactory. Licensed grocers can evade more easily than publicans. Tippling habits are engendered. Would prohibit sale in small quantities.
BERWICKSHIRE. CHIEF CONSTABLE.	See Haddington—Chief Constable.			
BUTESHIRE. CHIEF CONSTABLE.	Sale not extensive nor increasing.	Facilities afforded have tended to increase the use of spirits, and produce injurious effects on the people.		The sooner grocers are prevented by law from selling spirits, the better for the country.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2D QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3D QUESTION. Is there any evasion of the laws in respect of such sale?	4TH QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
BUTESHIRE. CLERK OF PEACE.	Sale not extensive but increasing.	Yes.	I fear there is evasion.	
ROTHESAY. PROVOST.	Sale extensive, but not increasing.	I do not think it.	Little if any evasion.	
SUPERINTENDENT OF POLICE.	Sale extensive, but not increasing.	Am not in a position to answer this question, have been so short a time in the island.	No evasion since I came that I am aware of.	
CAITHNESS-SHIRE. CHIEF CONSTABLE.	Sale is large, but not increasing.	Don't consider that any injurious effect has been produced on habits of people.	Evasion is pretty extensive.	All spirits sold by grocers should be in sealed bottles not less than an imperial pint. This would, I think, prevent tipping in grocers' shops by women or young persons.
WICK. PROVOST.	Sale extensive; not aware that it is increasing.	The facilities have tended to produce injurious effect on habits of the people.	Have no doubt there is evasion.	Sale of spirits by grocers and provision dealers should be prohibited.
CLACKMANNANSHIRE. CHIEF CONSTABLE.	Sale is extensive. Cannot say that it is increasing.	Facilities have tended to increase the use and produce an injurious effect on the people.	Law is evaded by some grocers. Detection is difficult.	Would restrict to pint minimum, and curtail hours of selling to 9 or 10 o'clock. This would have beneficial effect. Grocers should not be allowed to sell spirits.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2D QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3D QUESTION. Is there any evasion of the laws in respect of such sale?	4TH QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
CULROSS. PROVOST.	Sale not extensive and not increasing.	Facilities have not tended to increase use of spirits, nor produce injurious effects.	I know of no evasions.	Grocers in this town shut long before they are required to do by the existing law.
DUMBARTONSHIRE. CHIEF CONSTABLE.	Numbers have rather decreased of late years; 27 licensed grocers to population of 42,000.	Facilities do increase use of spirits, and produce injurious effects on the people.	There is evasion, and detection is very difficult.	Where working people use books in shops, certain grocers will mark other goods and supply spirits.
CLERK OF PEACE.	Increase of licensed grocers by two in last two years. Can't say if sale is increasing.	Cannot offer an opinion.	Police report evasions. Great difficulty in getting evidence to convict.	
DUMBARTON. PROVOST.	Sale comparatively small and is decreasing. Only 3 licensed grocers in burgh.	Facilities produce injurious effect on people.	Believe laws to be generally complied with.	
SUPERINTENDENT OF POLICE.	Sale not extensive. Numbers of licensed grocers decreased from 7 in 1872 to 3 at present.	Facilities tend to increase use of spirits, and produce injurious effects.	Not aware of any evasions. Licensed grocers in this burgh are a very respectable class.	Licensed grocers in this burgh, by unanimous consent, close at 7 p.m. during the week, and 10 p.m. on Saturdays.
DUMFRIESSHIRE. CHIEF CONSTABLE.	Have no means of ascertaining, but believe it to be the case.	Am of opinion that they do.	There are no doubt many evasions.	

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. <u>Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?</u>	2d QUESTION. <u>In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?</u>	3d QUESTION. <u>Is there any evasion of the laws in respect of such sale?</u>	4th QUESTION. <u>Have you any further information which you could desire to offer the Commission upon the subject of their inquiry.</u>
DUMFRIESSHIRE. CLERK OF PEACE.	Sale is extensive and increasing.	Facilities have tended to increase the use of spirits, and produce injurious effects.	There is evasion.	
DUMFRIES. PROVOST.	These licences are not extensive and not increasing; 23 licensed grocers to population, 15,000.	Facilities have not tended to increase use of spirits, nor produce injurious effects.	There may be some evasions, but no evidence is shown of this by convictions.	
SUPERINTENDENT OF POLICE.	Sale is extensive and I believe increasing.	Yes.	Yes.	The greatest curse in connection with the traffic is in parents sending young children for strong drink. A sweeping reform is much needed in this respect as to certificates held both by grocers and publicans.
ANNAN. PROVOST.	Sale is considerable and increasing.	Facilities have tended to increase use of spirits, and produce injurious effects.	There is not much evasion.	Grocers should be prohibited selling less than one gallon, or at least half-a-gallon. Young children of working classes being sent for small quantities promotes drinking habits among that class, and exhibits a bad example to the family.
SUPERINTENDENT OF POLICE.	Have no means of ascertaining.	No.	In former years some prosecutions. None in the past few years.	
LOCHMABEN. PROVOST.	Sale is not extensive and not increasing.	Facilities do not tend to increase use of spirits, nor produce injurious effects.	No convictions in last ten years.	No liquor should be sold unless certified of a certain age, and no deleterious mixtures introduced. More harm done by quality than by quantity consumed. There should not be restriction to small quantities.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
EDINBURGHSHIRE. EDINBURGH, SUPERINTENDENT OF POLICE.	Numbers of licensed grocers have increased from 326 in 1854 to 480 in 1877.	Facilities have tended to increase use of spirits, but can't say that habits of the people have been injuriously affected.	Laws are to some extent evaded. This partly due to police not having sufficient powers.	
LEITH. PROVOST.	Sale very extensive and increasing considerably.	Facilities have tended to increase use of spirits, and produce injurious effects.	Have not heard of many attempts at evasion.	
SUPERINTENDENT OF POLICE.	Sale is extensive, and numbers of grocers' shops have increased within last ten years.	Facilities have tended to increase use of spirits, and produce injurious effects, but not to extent supposed.	There are evasions, but judging by convictions they are not numerous.	Have found that few persons taken up when drunk have obtained the liquor from grocers. Prefer women and children to get liquor from grocer rather than public-house. Chief evils of system may be traced to lower class of shops. There should be a minimum rent of £40 or £50.
MUSSELBURGH. PROVOST.	Cannot answer this question.	Cannot answer this question.	Not aware of any evasion.	
ELGINSHIRE. CHIEF CONSTABLE.	Sale is extensive; cannot say it is increasing.	Facilities have injurious effect on people.	There are evasions. Difficulty in obtaining convictions. Police are watched, and consumer won't give evidence.	Sale should be limited to quart or pint bottles corked and sealed. Under present system they can buy in shop, and drink in the street immediately outside.
CLERK OF THE PEACE.	Cannot say if sale is increasing; it is undoubtedly extensive.	System tends to increase use of spirits.	Law is systematically evaded; it is very difficult, almost impossible, to obtain convictions.	Cost of licences should be increased. Small grocers say they can't make a living without licence. Increased consumption of late years owing to increase of wages.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
ELGIN. SUPERINTENDENT OF POLICE.	Sale is extensive—one licence to 103.36 of population.	System is a means of encouraging drunkenness, especially among females.	Yes; there is evasion.	
FORRES. PROVOST.	Sale is extensive. Would have increased, but for some time the magistrates have refused new licences.	Facilities have injurious effect on the people.	There is evasion. It is very difficult to detect or prove.	
FIFESHIRE. CHIEF CONSTABLE.	Sale is extensive, and I believe increasing.	Facilities have not tended to increase use of spirits more than sale by publicans and hotels, nor is the one more injurious than the other.	Believe the laws to be frequently and largely evaded.	
ANSTRUTHER, W. CHIEF MAGISTRATE.	Not aware that it has.	Not aware that it does.	No evasion.	
CRAIL. PROVOST.	Two grocers in town who have licences. None are now granted.	Can't say any injurious effects have been produced.	There is no evasion.	
DUNFERMLINE PROVOST.	Sale extensive and increasing.	Facilities tend to increase use of spirits, and have most injurious effects.	A great deal of evasion. It is very difficult to detect it.	Sale has increased, though the Magistrates have tried to prevent the increase of licences.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
DUNFERMLINE. SUPERINTENDENT OF POLICE.	Sale is extensive and increasing.	No hesitation in saying that facilities produce injurious effects on people.	Constant evasion, more especially by small grocers on Sundays.	
DYSART. PROVOST.	Sale is neither extending nor increasing.	Facilities afforded by licensed grocers should not exist.	Law is often evaded.	House and shop should be separate. Female population make great use of grocer's shop for purchase of spirits.
INVERKEITHING. PROVOST.	Sale is extensive.	Facilities have tended to increase use of spirits, and to produce injurious effects.	The law is frequently evaded.	Should be a restriction of sealed quart bottle.
KILRENNY. PROVOST.	Cannot answer this question.	Inclined to think it has.	Evasions are suspected to take place.	
ST ANDREWS. PROVOST.	Sale pretty extensive. Am not aware of an increase out of proportion to the population.	Facilities have not tended to increase use of spirits, or produce injurious effects.	If any evasion, it is not to any considerable extent.	
PITTENWEEM. PROVOST.	Sale is not extensive, nor is it increasing.	Use of spirits has not increased, nor has injurious effect been produced.	Do not know whether there is evasion or not.	In forty years' experience never saw or heard of fictitious entries.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
FORFARSHIRE. CHIEF CONSTABLE.	Sale not extensive, but number of licensed grocers has increased.	I think the facilities have tended to increase the use of spirits among females.	There is evasion, but not to any great extent.	Sale in open vessels should be prohibited. Facilities for evasion, and secret drinking by females, would thus be lessened.
FORFAR. SUPERINTENDENT OF POLICE.	Sale extensive and increasing.	Facilities have tended to increase use of spirits.	There is constant evasion.	The trades should be separated.
ARBROATH. PROVOST.	Extensive but not increasing.	Do not think injurious effect is produced.	Have no knowledge of any evasion.	Some restriction should be made as to licensing small shops.
SUPERINTENDENT OF POLICE.	Sale neither extensive nor increasing.	Small grocers afford facilities to intemperate portion of the lower class.	A good deal of evasion by sly drinking, which police cannot stop.	In towns over 10,000 inhabitants, no licence should be granted to grocers whose rental is under £30.
BRECHIN. PROVOST.	Sale pretty considerable and increasing.	Facilities have tended to increase use of spirits. Not prepared to say it has had injurious effect on people.	Have no doubt there is evasion. Difficult to obtain convictions from want of evidence.	
SUPERINTENDENT OF POLICE.	Sale extensive, but not increasing.	Tended to increase drinking habits among women.	There is not systematic evasion. Detection is very difficult.	Object to system of sale in small flat bottles. Cannot see force of limiting grocers to pint or quart, when publichouses or hotels may sell any quantity.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
DUNDEE. SUPERINTENDENT OF POLICE.	Sale is extensive; can't say if it is increasing or decreasing.	Facilities afforded led to married women getting drunk on credit. Don't think there would be appreciable diminution of drunkenness if grocers' licences were abolished. Small portion of drunk and incapable get their drink in grocers' shops.	Law undoubtedly violated. The practice of magistrates in Dundee to refuse renewal after one conviction has acted as powerful deterrent against grocers in this town evading the law.	Grocers should be under same restrictions as publicans as to hours. Police should have more powers to enter suspected premises. All licensed houses should be in open thoroughfares; the entire shop should be open to view; there should be no back shop or enclosed place in connection excepting for cellars; windows should be clear and transparent. I doubt the expediency of the granting of wholesale licences by the excise to grocers who are refused retail licences.
KIRRIEMUIR. SUPERINTENDENT OF POLICE.	Grocers' licences within last twelve years have increased from one to five.	Grocers selling small quantities do harm, especially to women.	Law well observed by the grocers in Kirriemuir.	Restriction to quart bottle would prevent much drinking among women. Power should be given to Magistrates of burgh to grant licences.
MONTROSE. PROVOST.	Sale neither extensive nor increasing.	Facilities have not produced injurious effect on habits of people.	Evasion is very limited.	Forbes M'Kenzie Act been a blessing to all. Further restriction in this way would be agreeable to the seller, and still more beneficial to the buyer.
SUPERINTENDENT OF POLICE.	Sale is extensive but not increasing.	Facilities have tendency to increase use, and have a demoralizing effect.	Evasion is constant and detection is very difficult, both buyer and seller anxious to conceal.	
HADDINGTONSHIRE. CHIEF CONSTABLE.	Sale of late years has extensively increased, and is increasing.	Sales in small quantities, from "carts" and "bottlers" in country districts, increase use of spirits, and produce most injurious effects.	The laws are evaded.	Would wish to contrast the laws regulating sale of excisable liquors in England and Scotland, and also as to punishment for drunkenness and drinking on both sides of the border. See Evidence.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produce an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
HADDINGTONSHIRE. CLERK OF PEACE.	Of late years licensed houses have largely diminished in number.	Consumption keeps much the same one year with another.	Evasions are very rare.	Do not consider any change in law necessary. Act of 1863 has had full trial and works well.
HADDINGTON. PROVOST.	Sale not very extensive, and not materially increasing.	Since Forbes McKenzie Act the habits of people have improved in a marked manner.	There may be evasions, but they are limited in number.	Would restrict hours of sale in rural districts and country, particularly on Saturday nights. Also make all licensed houses amenable to police supervision. The owner of the licensed property should also pay licence duty, to go to the local authority. This would be quite reasonable, as licence increases the value of the property.
NORTH BERWICK. PROVOST.	Sale has not increased.			Have no cause to complain of the law as at present. Should any alteration be thought necessary, am in favour of pint bottle limit instead of quart.
INVERNESS-SHIRE. CHIEF CONSTABLE.	Sale not extensive.	Facilities have not produced injurious effect.	Not aware of any evasion.	In some districts of county, people are anxious to have such licences granted. They now have either to pay exorbitant prices to local innkeeper, or send long distances for the liquor they may require.
CLERK OF PEACE.	Sale neither extensive nor increasing.	Can't say whether facilities have produced bad effects on the people.	Have no doubt there is evasion, but there are very few convictions.	Present system works well. Every breach should be punished, and every facility afforded for detection.
INVERNESS. SUPERINTENDENT OF POLICE.	Sale extensive, but not increasing.	Has injurious effects on young men and wives of working men.	There are evasions among small grocers.	

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and in- creasing?	2d QUESTION. In your opinion and expe- rience, have the facilities thus afforded tended to in- crease the use of spirits, and produce an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
KINCARDINESHIRE. CHIEF CONSTABLE.	Sale rather extensive, but not increasing.	Intemperance has not in- creased in last ten years.	Law is evaded by almost every one in the trade, but in such a way that it is difficult to get a conviction.	Have no theory as to amendment of present law.
CLERK OF PEACE.	Sale not increasing.	Facilities have not tended to produce injurious effects.	Believe evasion of law to be general.	Present law sufficient to prevent evasions if properly carried out, and if police took more active steps to detect.
KINROSS-SHIRE. CHIEF CONSTABLE.	Sale is extensive and in- creasing compared with the population.	Facilities have tended to in- crease the use of spirits, and produce injurious effects on the people.	Back-shop drinking is pretty general. The customers selected, detection is difficult and seldom attempted.	The sale of exciseable liquors to 11 p.m. is injurious to the best interests and peace of the whole community, especially in rural districts.
KIRKCUDBRIGHTSHIRE. CHIEF CONSTABLE.	31 licensed grocers in the county; cannot say that sale is increasing.	Facilities tend to increase use of spirits among females, and produce injurious effects on their habits.	Law is at all times evaded. Offences are difficult to detect.	Spirits should not be sold on the same premises as articles for domestic con- sumption. There should be restriction to quart or pint bottle corked and sealed. All licensed premises should be closed on hiring fair days as on Sundays.
CLERK OF PEACE.	Sale not extensive and is diminishing.	Such sale has not materially increased consumption or had injurious effects.	Am not aware of any in- vasion.	
KIRKCUDBRIGHT. PROVOST.	Sale neither extensive nor increasing.	I do not think so.	Any evasions are of rare occurrence.	

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sales of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
MAXWELLTOWN. SUPERINTENDENT OF POLICE.	5 licensed grocers in the burgh; their trade is not extensive nor increasing.	Can't say the facilities have produced injurious effects on the people.	Have been two years superintendent. During that period there have been no evasions.	
LANARKSHIRE. CHIEF CONSTABLE.	Number of licensed grocers is extensive, and increasing almost in exact proportion to increase of population.	No doubt the facilities afforded have tended to increase the use of spirits, but have not in any perceptible degree tended to produce injurious effects. Very little if any of the drunkenness so prevalent among certain classes can be attributed to sale by licensed grocers.	Have no doubt that evasions are daily committed, of which the Police have no knowledge. In 1876 there were 16 reported breaches of certificate, 10 were convicted.	Cases in small debt courts occasionally shew that spirits are supplied to wives or others on credit, and entered as "goods." There should in every locality be some place other than the publichouse where respectable persons could purchase spirits for home consumption. No place however where the ordinary necessities of life are sold should be allowed to be used for the sale of intoxicating liquor of any kind. All licences should be taken from grocers, except where they consent to open a distinct and separate department, having no internal communication with the grocery store. This place to have a totally distinct set of books and accounts kept therein. Hotels should be required to have an adjoining or neighbouring shop for sale of liquor for home consumption. All licensed houses should have same police supervision.
AIRDRIE. SUPERINTENDENT OF POLICE.	Sale is extensive, but is not increasing.	Facilities do tend to increase use of spirits, and produce injurious effects.	There is evasion, almost without an exception.	Such licences are not required.
GLASGOW. CHIEF CONSTABLE.	In 1862, population 410,000, there were 173 licensed grocers. In 1876, population 550,000, there were 268 licensed grocers.	If no grocers were licensed, there would to some extent be less drink sold and consumed.	Since 1862, 56 grocers have been summoned for breach of certificate, and 36 were convicted.	Pint bottle corked and sealed should be the smallest quantity sold. Should only be open during hours when liquors are allowed to be sold.

ANSWERS TO QUERIES.

Name of Place and Informant.	1ST QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2D QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3D QUESTION. Is there any evasion of the laws in respect of such sale?	4TH QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
GLASGOW. PROVOST.				Coincides with replies of chief constable of Glasgow.
GOVAN. SUPERINTENDENT OF POLICE.	Yes, both extensive and increasing.	Am of opinion that facilities have done so.	Yes.	Some grocers are in the habit of marking spirits sold by them as "goods."
HAMILTON. SUPERINTENDENT OF POLICE.	Sale has not been extensive, and is not increasing to any appreciable extent.	Do not think the use of spirits has increased, nor has an injurious effect been produced.	The law is evaded to a considerable extent by small grocers. It is done in such a way that there is great difficulty in obtaining a conviction.	Grocers' licences should be granted according to the rental fixed at a high figure. This would tend to prevent the illegal sale of spirits and other evils resulting from the system.
LANARK. PROVOST.	In 1871-2 there were 12 licensed grocers. In 1877-8 there are 7.	Do not think so.	Very little evasion.	With regard to the quantity to be sold at one time, would suggest two gills as the minimum.
MARYHILL. SUPERINTENDENT OF POLICE.	7 licensed grocers in burgh to a population of 16,000.	Can't say that use of spirits has increased, or injurious effects been produced.	There is sometimes a little evasion in respect of consuming on premises.	

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
PARTICK. SUPERINTENDENT OF POLICE.	Sale pretty extensive, and undoubtedly increasing.	It may be inferred the facilities afforded tend to increase use of spirits, and produce injurious effects, particularly on wives of labouring classes.	The laws are evaded. The convictions do not by any means represent the evasion.	In 1871 there were 12 licensed grocers to population of 17,676. In 1876 there were 20 licensed grocers to estimated population of 27,304.
BUTHERGLEN. PROVOST.	Sale extensive, but not increasing.	Yes, most decidedly.	Believe there is evasion. We have had no cases before us officially.	Grocers should only sell in sealed and full bottles.
LINLITHGOWSHIRE. CHIEF CONSTABLE.	Sale is extensive. Number of shops rather decreased of late years.	Facilities have tended to increase use of spirits, and produce injurious effects.	There is evasion. It is very difficult to make detections.	In the majority of cases the best profits of the licensed grocer are derived from sale of spirits.
QUEENSTERRY. PROVOST.	Yes. Both extensive and increasing.	Think it has, most decidedly.	No conviction for 5 years.	
NAIRNSHIRE. CHIEF CONSTABLE.	Sale pretty extensive, and doubtless increasing.	Drunkness has not increased, and crime has decreased.	No prosecution for evasion for years past.	
CLERK OF PEACE.	No grocers' licences in the county.			Considerable business done by hawkers in groceries going into country with carts. These hawkers deal with licensed grocers, and it is believed they carry spirits to their customers. Occasionally perhaps they may have received previous orders.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
NAIRN. Provost.	Sale is extensive and increasing.	Facilities have tended to increase use of spirits, and produce injurious effect on people.	Am of opinion there is no evasion.	Grocers' spirit licences should be withdrawn.
ORKNEY. CLERK OF PEACE.	Sale not increasing, nor very extensive.	Facilities have not tended to produce injurious effects.	No record of a conviction in the country districts.	In parishes where there are no licensed houses shebeens are believed to exist.
KIRKWALL. Provost.	Sale neither extensive, nor increasing.	Facilities have not tended to injurious effects on people.	There is no evasion.	
SUPERINTENDENT OF POLICE.	Sale not extensive, nor increasing.	Facilities are afforded by sale by licensed grocers for parties to obtain spirits, and have them entered "goods."	Law is very generally evaded.	Grocers' licences in country districts are more injurious than in towns. In the country they frequently become no better than publichouses.
PEEBLES-SHIRE. CHIEF CONSTABLE.	In towns of Peebles and Innerleithen a considerable amount of business is done. Further, the sale is not extensive, and the number of houses is not increasing.	Facilities tend to increase use of spirits. Not prepared to say that it has produced an injurious effect on the people.	Law sometimes evaded, though not generally. It is very difficult to prove cases of evasion.	The sale of spirits should be confined to hotels and publichouses.
CLERK OF PEACE.	Sale neither extensive nor increasing.		There may be evasions, but they cannot be numerous.	

ANSWERS TO QUERIES.

	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
Name of Place and Informant.				
PERTHSHIRE. CLERK OF PEACE.	No increase of licences in last 10 years. Cannot say if sale is extensive.	System affords facilities for getting drink which might not otherwise be consumed.	Very few convictions. They are difficult to obtain, evasion is so easy.	
PERTH. PROVOST.	Cannot answer this question.	Have no experience to enable me to answer this question.	I believe there are evasions.	
SUPERINTENDENT OF POLICE.	Increase of 1 licence since 1862.	Cannot say from own knowledge that system has produced bad results, but it is believed to have done so.	Laws are frequently evaded. 11 convictions since 1862.	
RENFREWSHIRE. RENFREW. PROVOST.	Only 2 licensed grocers in burgh. Sale has decreased.	Facilities tend to increase use of spirits, especially among females. An injurious effect is thus produced on morals and habits of the people.	It is believed that evasion is considerable, but detection is attended with much difficulty.	Spirits often supplied to married women unknown to their husbands, and entered in pass-books as "provisions." The licensed grocer possesses an unfair and undue advantage over the publichouse holder.
JOHNSTONE. SUPERINTENDENT OF POLICE.	Sale is not extensive and increasing. 5 such licences to 10,000 population.	Of opinion that such licences in many cases have injurious effects on the people.	Understand that evasion by selling for consumption on premises takes place.	The burgh of Johnstone has no jurisdiction to deal with breaches of certificate. This is in the hands of the Justice of Peace Court at Paisley. Would recommend extension of jurisdiction to Johnstone and all similar police burghs.
GREENOCK. PROVOST.	Increase of 8 grocers' certificates in last 10 years. Am unable to say if sale is extensive and increasing.	These licences have increased use of spirits among the working classes, and produced injurious effects.	3 prosecutions only in last 10 years. Am not aware of any special evasion.	Supplies of liquor are furnished on credit under guise of provisions or other articles of groceries.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respects of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
PAISLEY. PROVOST.	In 1854, 62 licensed grocers; in 1866, 40; in 1876, 45.	Grocers' licences are objectionable, and tend to encourage drinking among females.	Believe that the law is evaded by drinking on premises.	Do not see how licensed grocers can be altogether abolished, but they should be restricted to sell not less than a quart in sealed bottle.
SUPERINTENDENT OF POLICE.	Sale is not increasing so far as known to me.	Grocers' licences have not produced injurious effects.	There were no convictions for year ending 31st Dec., 1876.	For some years back the magistrates have granted licences and transfers on condition that applicant resides at some distance from his licensed premises. This has had a good effect.
PORT-GLASGOW. PROVOST.	Sale is not extensive nor increasing. Only 9 licensed grocers in burgh. Magistrates for many years have refused to add to their number.	Facilities afforded have produced an injurious effect on the habits of the people.	There have been evasions, and convictions have followed. Evasion is very easy, but it is difficult to obtain conviction.	The action of the magistrates in refusing all new applications for such licences will sufficiently convey to the Commission their views on the subject.
ROSS-SHIRE AND CROMARTY. CHIEF CONSTABLE.	Licensed grocers have increased from 27 in 1867 to 30 in 1877. Cannot say if sale has increased.	Facilities afforded have tended to increase use of spirits, and produce bad effect on the people in large towns, but not in country districts.	Convictions are occasionally obtained. Believe convictions to be less than 20 per cent. of evasions. This applies to all classes of licences.	Grocers' premises should be subject to inspection by police at any time, whether they suspect a breach or not. The penalties for breach should be increased.
CLERK OF PEACE.	No.	No.	Not to my knowledge.	
DINGWALL. PROVOST.	Sale considerable, but not increasing.	Facilities have no doubt tended to produce injurious effects.	There are occasional, but not frequent evasions.	Grocers' licences should be reduced where necessary and practicable, and no new ones granted except in rare cases.

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
FORTROSE. PROVOST.	There are no licensed grocers in the burgh.	From experience of district think facilities have tended to produce injurious effects on the people.		Grocers should have no licences to sell spirits. Other licensed houses should be according to number of population.
TAIN. PROVOST.	Sale not extensive, nor increasing.	So far as I know, facilities have not tended to produce injurious effects.	There is no evasion here now, so far as I know.	
CROMARTY. PROVOST.	Sale though not excessive is increasing.	Facilities have tended to produce injurious effects, particularly on females.	Evasions must take place.	
ROXBURGHSHIRE. CHIEF CONSTABLE OF ROXBURGH AND SELKIRK.	Sale is extensive and increasing.	This traffic is producing an injurious effect on the habits of the people.	The law is systematically evaded, especially by small traders.	In the two counties under my charge, the practice of carts going to country districts, nominally to deliver goods, but in reality to hawk spirits, prevails to a large extent. The rural population is thus habituated to the use of spirits. This practice is much complained of by respectable farmers.
HAWICK. PROVOST.	Sale though more extensive than considered desirable by some, is not so extensive or increasing so fast as in towns of similar size and character.	If powers of present Acts are carried out, the licensed grocers can be kept in check.	Evasions are not numerous. 29 convictions in the last 10 years.	There is as much necessity for encouraging elevating influences as directing attention to further restriction of sale of drink. If grocers were prevented selling, the spirit trade might fall into worse hands, for so long as there is demand for drink for domestic use, it must be supplied somehow.
SUPERINTENDENT OF POLICE.	Numbers have decreased from 34 in 1870 to 23 in 1877. Sale is extensive, but cannot say it is increasing.	In some cases these licences tend to increase the use of spirits.	29 convictions in last 10 years.	

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
JEDBURGH. PROVOST.	Sale for some years has been extensive, and is increasing.	These licences have increased use of spirits, and produced, and will continue to produce, injurious effects.	No doubt there is continual evasion, but it is difficult to be got at.	Sale of groceries and spirits should be separate. A provision should be put in certificate of limiting their right to deliver liquors by vans or carts beyond the limits of the town, unless under permit, and in quantities of not less than a quart bottle.
KELSO, SUPERINTENDENT OF POLICE.	Sale extensive, but is not increasing.	Facilities have tended to increase use of spirits, and produce injurious effects on certain classes.	Laws are evaded in various ways, by consuming on the premises, and by small grocers selling at prohibited hours. Detection very difficult.	Know by experience, when pass-books are kept, that instead of groceries being supplied, drink is often substituted and entered as "goods." Nothing short of separation of the trades can remedy the evil.
SELKIRKSHIRE. CHIEF CONSTABLE.				See Roxburgh—Chief Constable.
SELKIRK. PROVOST.	Sale is extensive, and increasing.	Facilities have tended to increase use of spirits, and produce injurious effects.	There is not evasion to any great extent.	Nothing less than pint in sealed bottle should be sold.
GALASHIELS. SUPERINTENDENT OF POLICE.	Sale very great, and no doubt increasing.	Present system has encouraged use of spirits among a certain class, and so produced injurious effects.	The laws are daily evaded.	
SHETLAND. CHIEF CONSTABLE.	Sale very considerable, and slightly increasing.	Facilities tend to increase use of spirits, and demoralize the community.	Believe the law to be often evaded.	

ANSWERS TO QUERIES.

Name of Place and Informant.	1st QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2d QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produced an injurious effect on the habits of the people?	3d QUESTION. Is there any evasion of the laws in respect of such sale?	4th QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry?
SHETLAND. CLERK OF PEACE.	Sale is extensive, and increasing.	Facilities have tended to increase use of spirits, and produce injurious effects.	Laws are in many instances evaded.	Male population almost entirely engaged in fishing. Grocer induces them on their return from fishing to buy a greater quantity of spirits than they otherwise would do. If publichouses existed in these districts instead of grocers' shops, the fishermen would probably only take a glass, where now they are virtually compelled to take a bottle.
STIRLINGSHIRE. CHIEF CONSTABLE.	Sale is extensive, but not increasing. The number of licensed grocers is not increasing.	The present system has not been productive of more harm than if sale were confined to public houses.	No doubt there is frequent evasion.	
CLERK OF PEACE.	Not aware that the sale is excessive.	Facilities have not tended to increase use of spirits, or produce injurious effects on people.	Not personally aware of evasions. Complaints against licensed grocers have been very rare.	The only objectionable point of system is, where there are licensed grocers trading on a small scale in remote districts and in the proximity of mines and quarries.
STIRLING. PROVOST.	No.	Am not aware that they do.	There have been no complaints or convictions for years.	Would restrict to minimum of pint in sealed bottle. Would be great hardship to grocer and inconvenience to public to prevent grocers altogether from selling wines and spirits.
FALKIRK. PROVOST.	Sale is extensive, and increasing.	Facilities have unquestionably done injury to habits of the people.	There are evasions. It is difficult and almost impossible to obtain convictions.	Would prohibit sale of less quantity than quart bottle sealed. This would prevent much abuse. The magistrates and council concur in my views.
SUTHERLANDSHIRE. CHIEF CONSTABLE.	Sale not extensive, but is increasing.	Facilities do tend to increase use of spirits, and produce bad effects on people.	Complaints are made of evasion.	Present system affords great encouragement to tippling in private houses. If system is continued would limit sale to pint and quart bottles corked and sealed.

ANSWERS TO QUERIES.

Name of Place and Informant.	1ST QUESTION. Is the Sale of Spirits by Licensed Grocers in your district extensive and increasing?	2D QUESTION. In your opinion and experience, have the facilities thus afforded tended to increase the use of spirits, and produce an injurious effect on the habits of the people?	3D QUESTION. Is there any evasion of the laws in respect of such sale?	4TH QUESTION. Have you any further information which you could desire to offer the Commission upon the subject of their inquiry.
SUTHERLANDSHIRE. CLERK OF PEACE.	Sale neither extensive, nor increasing.	Facilities have not tended to produce injurious effects on people.	1 conviction only in my experience; it was for selling groceries from a cart.	Habits of population of county will contrast favourably with any portion of the kingdom.
WIGTOWNSHIRE. CHIEF CONSTABLE.	Sale is extensive, but is not perceptibly increasing. 9 licensed grocers in the county.	These licences have an injurious effect, particularly on working classes, who get drunk and have it charged as groceries.	Believe there is much evasion, by consumption on premises. It is almost impossible to get at them.	No licences should be granted to grocers whose shops and dwelling-houses are under the same roof and communicating. They almost invariably take their customers into the house, and allow them to sit and drink there.
WIGTOWN. PROVOST.	2 licensed grocers in burgh.		No complaints of evasion are made by the police of burgh.	For a good many years the magistrates have refused to increase the number of licensed grocers, and have also been reducing the number of publichouses both in the burgh and county.
WHITHORN. PROVOST.	1 licensed grocer in the parish. His business is extensive, and increasing.	The facilities afforded have most injurious effect on the morals of the people.	Have never known of any evasion.	Would give hearty support to the total suppression of grocers' licences for the sale of spirits. The one grocer we have does more harm than all the publichouses in the parish.

APPENDIX B.

RETURNS FROM CHIEF CONSTABLES AND SUPERINTENDENTS OF POLICE.

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N.B.—Returns are given from those burghs only which are not included in the return for the county in which they are situated.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	...	177	NO RECORD.	NO RECORD.	In the landward parts of the county, the rents paid by Grocers are made up from other sources than that of the house occupied, an acre or two of land, up to 5 or 6 acres sometimes, going with the house. Any how, in my opinion the amount of rent paid is not a guarantee for the shop being conducted according to law.	* Of these 16 sell only Porter and Ale.
1855	...	188		...	...	...	...
1856	...	180		...	...	1	...	
1857	...	179		...	...	0	...	
1858	...	189		...	...	2	...	
1859	...	194		9	260	6	...			
1860	148,236	188		...	...	16	...	
1861	...	196		...	...	6	...	
1862	...	183		...	...	8	...	
1863	...	186		...	...	7	...	
1864	...	189		...	...	10	...	
1865	...	195		...	...	10	...	
1866	...	204		...	...	2	...	
1867	...	195		...	...	16	...	
1868	...	194		...	...	9	...	
1869	...	197		...	...	3	...	
1870	...	192		...	...	9	...	
1871	169,698	203		...	...	7	...	
1872	...	154		...	...	3	...	
1873	...	152		...	...	1	...	
1874	...	152		...	...	4	...	
1875	...	151		...	...	6	...	
1876	...	149	566	40	211 *	4	85			

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...

JOHN ROSS,
Chief-Constable of County of Aberdeen,
November 2d, 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1851 }	71,973	127	No record has ever been kept, and I only give the number for this present year as far as I have been able to get it.	2	400	1	...	979	...	£20 per annum for business premises alone.	* Persons Drunk and Incapable.—I cannot get any definite statistics further back. † Prior to my appointment in December 1868, no record had been kept as to whether persons charged with any offence were drunk or not. ‡ An extension of the municipality boundary took effect immediately after the census of 1871, thus causing such a large increase. § I have reason to believe that the business premises, when connected with the dwelling-house, are lower rated in order to keep down the licence duty, and the rent put on the other.
1854 }	...	206		4	284	3	...	1494	...		
1855	...	194		3	271	2	...	1500	...		
1856	...	203		5	252	2	...	1925	...		
1857	...	203		5	236	2	...	2026	...		
1858	...	202		7	226	...	...	1846	...
1859	...	205		8	227	...	...	1698	...
1860	...	210		11	229	4	...	1784	...		
1861	73,805	213		14	216	5	...	2419	...		
1862	...	221		15	212	3	...	2376	...		
1863	...	220	99	14	203	4	316*	1948	...	855†	
1864	...	223		18	201	5	297	2090	...		
1865	...	243		24	201	10	269	1915	...		
1866	...	240		23	201	18	253	1656	...		
1867	...	248		27	197	13	188	1880	...		
1868	...	255		45	188	20	223	1987	...		
1869	...	259		48	192	17	147	1715	...		
1870	...	264		50	190	8	144	1650	...		
1871	76,348	297		49	197	17	132	1790	...		
1872	...	288		31	181	17	121	1641	...		
1873	...	284	Supposed about 100,000	31	170	9	171	1619	...	731	
1874	...	273		25	172	7	161	1793	...		
1875	...	276		25	163	14	182	1896	...		
1876†		
1877

JOHN SWANSON,
Superintendent of Police, Aberdeen,
21st November 1877.

§ RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10.		Over £20.		Over £30.		Over £40.		Over £50.	
	Under £10.	Over £10. Under £20.	Under £20. Over £30.	Over £30. Under £40.	Under £40. Over £50.	Over £50. Under £60.	Under £60. Over £70.	Over £70. Under £80.	Under £80. Over £90.	Over £90.
76	...	139	19	10	6	...	...	...	...	26

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	Remarks.	
1854	NO RECORD KEPT OF THESE.				...	...	£25.	This Return is filled up so far as the materials in Chief Constable's hands enable him to do so.	
1855
1856
1857
1858
1859
1860
1861	79,724	...					...	...			...
1862
1863
1864
1865
1866
1867
1868
1869
1870	...	52	1	246	1	...	...	...
1871	75,679	56	...	236	...	...	...	...
1872	...	52	...	235	...	...	...	...
1873	...	55	...	219	...	...	...	...
1874	...	56	...	217	1	17	858	505			
1875	...	56	...	213	...	22	822	501			
1876	...	53	...	215	...	54	856	457			

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.	
	Under £10.	Over £10 Under £20	Under £20 Over £30.	Over £30 Under £40.	Under £40 Over £50.	Over £50 Under £60.	Under £60 Over £70.	Over £70 Under £80.	Under £80 Over £90.	Over £90.
10	...	18	13	6	5	...	...	...	...	1

COLIN MACKAY,
Chief Constable of County of Argyll,
30th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS
1854										
1855										
1856										
1857										
1858										
1859										
1860										
1861	156,423	NO	RECORD	PREVIOUS TO		1863.				
1862	...	...	...	...	...	...
1863	...	175	...	8	467	...	1			
1864	...	184	...	8	461	...	4			
1865	...	183	...	8	472	10	4			
1866	...	186	...	8	484	14	109			
1867	...	187	...	8	466	6	67			
1868	...	187	...	10	463	8	71			
1869	...	182	...	10	487	7	68			
1870	...	184	...	11	472	14	127			
1871	154,534	180	...	10	467	4	138			
1872	...	177	...	15	451	9	196			
1873	...	183	...	9	445	8	265			
1874	...	182	...	11	435	12	206			
1875	...	186	...	10	431	4	254			
1876	167,960	182	754	11	428	6	353			

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
42	119	21	11	3	...

HARDY M^oHARDY,
Chief-Constable of County of Ayr,
19th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	'To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	...	21	35	6	60	1	200	951	632	£30.	By "The Ayr Burgh Act, 1873," Ayr Burgh was extended so as to include Newton and Wallacestown. This increased the population of the burgh to 17,954, and accounts for the increase in the number of licences, &c.
1855	...	21	35	5	61	2	192	943	684		
1856	...	21	35	6	59	...	206	903	519		
1857	...	20	35	7	59	...	238	850	457		
1858	...	21	37	6	55	...	192	610	471		
1859	...	18	36	6	54	...	477	1064	665		
1860	...	21	38	7	52	...	372	790	486		
1861	8,292	21	38	10	51	...	359	866	470		
1862	...	20	40	8	51	...	301	954	442		
1863	...	20	40	9	52	...	103	668	204		
1864	...	20	42	8	52	...	101	669	263		
1865	...	20	42	7	54	...	102	686	249		
1866	...	23	42	6	55	2	100	772	293		
1867	...	21	38	8	56	...	96	817	245		
1868	...	21	41	7	56	...	77	614	223		
1869	...	21	41	5	56	...	109	569	282		
1870	...	25	40	5	55	...	137	550	249		
1871	8,371	22	42	6	56	...	89	485	211		
1872	...	22	42	6	52	...	91	552	273		
1873	...	21	44	6	56	...	152	742	378		
1874	...	35	46	6	78	...	218	1166	542		
1875	...	33	46	5	80	...	240	1511	682		
1876	...	35	48	5	78	...	225	1547	839		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
	2	10	4	6	7	6	7	6	

D. McDONALD,
Superintendent of Police, Ayr,
1st December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	'To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	19,198	28	...	None.	103	None.	£20.	No returns were made out for the burgh previous to the year 1861. The number of persons found drunk and incapable is included in the total number of persons apprehended, and also in the total the worse of drink when apprehended. The maximum penalty for the offence of drunk and incapable is 5s., or 24 hours' imprisonment. Prostitutes, and such like characters, are as often as thirty times in custody during the year for this offence; and the above sentence is quite inadequate. I would recommend that the fine should be increased to a sum not exceeding 40s., and the term of imprisonment not to exceed 14 days. The Magistrates of Glasgow and Greenock have similar powers granted to them in their local Acts.
1855	...	38	...	...	97	...	...	...	...
1856	...	41	...	...	96	...	...	...	...
1857	...	34	...	...	99	...	...	...	...
1858	...	35	...	...	92	...	...	...	...
1859	...	38	...	...	91	...	...	...	...
1860	...	42	...	...	85	...	...	...	...
1861	20,698	37	...	...	89	...	91	651	529
1862	...	44	...	...	82	2	83	567	478
1863	...	43	...	1	80	...	133	602	459		
1864	...	42	...	1	84	1	109	603	446		
1865	...	46	...	1	90	...	89	776	479		
1866	...	49	...	1	88	1	137	685	514		
1867	...	48	...	1	96	...	116	611	465		
1868	...	47	...	1	91	1	104	509	401		
1869	...	51	...	1	85	3	134	651	474		
1870	...	46	...	1	87	6	124	580	458		
1871	21,073	45	...	1	81	2	163	762	632		
1872	...	48	...	2	93	3	181	974	781		
1873	...	50	...	2	91	1	353	1358	1155		
1874	...	48	...	2	91	...	308	1358	1153		
1875	...	46	...	2	91	2	307	1331	1061		
1876	24,000	43	55	2	90	2	211	984	824		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £20.	Over £20.	Under £30.	Over £30.	Under £40.	Over £40.	Under £50.	Over £50.	
9	21	...	4	...	5	...	1	...	3

GEO. WILLISON,
Head Constable of Burgh of Kilmarnock.
2d November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	48,042	£15.	As the Registers for Excise Licence Certificates for this county prior to 1863 have been lost, I am consequently unable to fill up the licence columns prior to that year; and as there would, therefore, be no comparison, I consider it unnecessary to fill up the other columns beyond 1863. The burgh of Banff, having a separate police establishment, is not entered in this return.
1855		
1856		
1857		
1858		
1859		
1860		
1861	52,149	...	...	...	...	...	...	...	...
1862		
1863	...	42	197	3	127	1	4	175	50		
1864	...	43	205	3	119	1	6	113	33		
1865	...	42	201	3	130	...	6	122	59		
1866	...	43	221	3	122	...	3	205	95		
1867	...	45	228	4	117	1	2	169	99		
1868	...	46	234	3	114	1	1	231	90		
1869	...	50	245	4	113	...	4	212	80		
1870	...	47	257	5	104	...	2	285	163		
1871	55,571	46	261	4	99	2	1	276	171		
1872	...	51	271	5	98	...	7	244	145		
1873	...	53	281	4	97	1	5	248	133		
1874	...	53	284	4	90	2	7	319	158		
1875	...	51	292	4	88	...	20	324	209		
1876	...	53	299	5	92	1	19	340	179		

NEIL ROBERTSON,
Chief Constable of County of Banff,
24th October 1877.

RENTAL OF LICENSED GROCERS.

Rent Under £10	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
25	26	2	None.	None.	None.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of those who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	...	8	16	...	21	195	139	Not below £15.	The Brewery Company here have held a Dealers' Licence since 1870, and appear under heading, to sell Beer and Porter only.
1855	...	8	...	...	19	1	...	175	140	
1856	...	11	...	...	18	1	6	184	148	
1857	...	8	...	...	18	...	5	171	145	
1858	...	7	...	...	15	...	7	133	119	
1859	...	8	...	...	16	...	3	158	145	
1860	...	8	...	...	14	...	12	126	107	
1861	3,939	5	...	...	13	...	13	125	106	
1862	...	6	...	1	14	...	13	121	93		
1863	...	5	...	1	16	...	13	131	104		
1864	...	6	...	...	15	...	8	134	105	
1865	...	7	...	...	14	...	4	109	88	
1866	...	7	...	...	13	1	1	104	79	
1867	...	7	...	...	13	...	3	118	97	
1868	...	7	...	...	15	1	4	137	120	
1869	...	6	...	...	13	1	2	164	145	
1870	...	6	17	1	13	...	2	147	130		
1871	4,080	8	...	1	9	...	1	121	101		
1872	...	7	...	1	11	...	3	123	104		
1873	...	7	18	2	10	...	2	91	70		
1874	...	7	...	2	10	...	2	98	83		
1875	...	7	...	2	10	1	7	115	90		
1876	...	7	...	1	10	...	3	92	74		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	5	1	...	...	1

GEORGE MEARNES,
Superintendent of Police Burgh of Banff,
31st October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	36,297	43	166	2	87	£20 in Towns. £10 in Country Places.	Prior to 1861, when I took charge of the Berwickshire Police, a record of drunkenness was not kept, and details regarding apprehensions cannot be given.
1855	...	42	166	2	88	...	...	...	...
1856	...	43	168	1	87	...	...	...	...
1857	...	42	168	1	82	...	...	...	...
1858	...	40	170	1	83	...	...	...	...
1859	...	41	173	1	81	...	...	...	...
1860	...	40	178	1	77	...	...	...	...
1861	36,612	40	177	1	78	...	...	...	...
1862	...	43	179	2	76	...	17	133	70		
1863	...	43	184	2	77	...	47	257	163		
1864	...	48	190	3	76	...	36	281	115		
1865	...	51	193	2	77	3	30	332	116		
1866	...	53	196	1	74	...	25	330	152		
1867	...	56	203	3	73	2	17	280	90		
1868	...	53	206	3	75	2	31	293	138		
1869	...	54	211	2	74	3	29	362	230		
1870	...	54	216	2	74	2	30	286	193		
1871	36,486	56	218	4	72	...	35	294	203		
1872	...	53	218	4	72	1	29	255	150		
1873	...	51	223	3	72	...	21	209	119		
1874	...	48	227	3	70	...	49	294	196		
1875	...	47	235	3	71	...	56	347	176		
1876	...	47	237	3	69	2	88	317	218		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	30	Under £20.	7	Under £30.	5	Under £40.	Under £50.	
2

G. H. LIST,
Chief Constable of County of Berwick,
6th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	9,500	33	None.	£40.	The Burgh of Rothesay is not included in this Return.
1855	...	3	...	...	31	...	...	...	...	...
1856	...	3	...	...	29	...	...	...	...	...
1857	...	3	...	...	28	...	...	...	...	...
1858	...	3	50	...	29	...	...	...	...	...
1859	...	3	50	...	28	...	3	21	15	...	
1860	...	3	50	...	27	...	3	24	16	...	
1861	9,209	3	50	...	27	...	4	23	15	...	
1862	...	3	51	...	28	...	4	18	12	...	
1863	...	3	51	...	26	...	5	19	12	...	
1864	...	2	51	...	28	...	5	42	28	...	
1865	...	2	51	...	28	...	4	39	25	...	
1866	...	2	51	...	27	...	5	36	20	...	
1867	...	2	52	...	28	...	4	43	27	...	
1868	...	2	53	...	28	...	6	63	40	...	
1869	...	2	53	...	27	...	4	49	35	...	
1870	...	2	54	...	27	...	3	107	70	...	
1871	9,217	3	55	...	28	...	4	98	62	...	
1872	...	3	55	...	28	...	3	94	60	...	
1873	...	3	55	...	28	...	2	80	53	...	
1874	...	3	55	...	28	...	2	87	55	...	
1875	...	3	55	...	28	...	2	84	51	...	
1876	...	4	55	...	28	...	4	97	60	...	

RENTAL OF LICENSED GROCERS.

Rent	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	2	2	...	...	...

J. MACKAY,
Chief Constable of County of Bute,
22d October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1851	7,104	..	No materials for ascertaining this except last year.	No Records	complete until 1862.	The Superintendent has no information.	£20.	
1854	..	12		1	25					
1855	..	9		..	29					
1856	..	6		..	34					
1857	..	6		..	32					
1858	..	7		..	31					
1859	..	7		..	32					
1860	..	11		..	32					
1861	7,122	12		1	31					
1862	..	12		..	30					
1863	..	12		..	30		21			
1864	..	13		..	30		12			
1865	..	15		..	30		18			
1866	..	16		..	29		1			
1867	..	16		..	30		1			
1868	..	16		..	30		2			
1869	..	16		..	30		0			
1870	..	19		1	27		11			
1871	7,760	21	No materials for ascertaining this except last year.	1	31	2	21	241		
1872	..	21		..	31	..	23	417		
1873	..	20		..	31	..	11	273		
1874	..	19		1	31	2	11	320		
1875	..	19		..	30	..	8	354		
1876	..	21		1	30	..	16	277		
			28					379		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
1	8	7	2	3	..

MATHEW WATERS,
Superintendent of Police of Burgh of Rothesay,
12th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectable conducted establishment?	REMARKS.
1854	£10.	All the burghs in the county are included, as well as the British Fisheries settlement of Pulteneytown. * These rentals include the dwelling-house.
1855		
1856		
1857		
1858		
1859		
1860		
1861	41,141	...	...	...	...	...	...	...	...
1862		
1863		
1864		
1865		
1866	...	24	...	15	72	2	6	127	...		
1867	...	26	...	14	72	5	6	116	60		
1868	...	27	...	15	75	3	24	151	77		
1869	...	26	...	15	76	1	15	114	88		
1870	...	26	...	15	77	2	7	129	77		
1871	39,889	25	...	15	75	4	3	151	75		
1872	...	25	...	15	76	1	12	155	71		
1873	...	23	...	12	72	1	15	227	86		
1874	...	22	...	11	71	...	24	232	134		
1875	...	21	...	12	69	1	28	143	74		
1876	...	20	243	12	66	...	17	123	63		

RENTAL* OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	Over £10	Under £20.	Over £20	Under £30.	Over £30	Under £40.	Over £40	
5	...	10	...	2	...	1	...	1	1

A. MITCHELL,
Chief Constable of County of Caithness.
20th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1851	22,951	£20.	* No record is kept of unlicensed grocers. 95 is the present number.
1854	...	43	...	...	79	...	...	...
1855	...	33	81	NO RECORD KEPT.	† No record was kept of persons found drunk and incapable till 1869, and these are only taken cognisance of in the burgh of Alloa.
1856	...	35	...	...	73	...	...	...
1857	...	38	...	...	69	...	...	...
1858	...	36	...	...	69	...	...	...
1859	...	35	...	...	67	...	...	...
1860	...	34	...	...	69	...	...	...
1861	21,449	36	...	6	66	...	...	...
1862	...	38	...	8	58	...	...	...
1863	...	36	...	10	59	...	...	...
1864	...	39	...	11	59	...	...	...
1865	...	40	...	13	60	1		‡ We have no returns previous to 1869 of the number of persons apprehended, and those given after that year include those apprehended and cited.
1866	...	38	...	12	59	...	...	...
1867	...	40	...	10	64	This return includes all the county, and also the burgh of Alloa.	
1868	...	43	...	10	61	...	...	...
1869	...	44	...	11	58	8	+	+505		
1870	...	44	...	10	60	3	15	460		
1871	23,747	44	...	11	63	4	48	431		
1872	...	43	...	14	62	2	33	442		
1873	...	44	...	10	61	1	80	522		
1874	...	44	...	10	58	...	97	502		
1875	...	42	...	11	60	1	174	545		
1876	...	39	* 95	10	53	1	151	579		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50 Under £60.	Over £60 Under £70.	Over £70 Under £80.	
8		22	3	2	2		2		2

JOHN WHITE,
Chief Constable of County of Clackmannan,
20th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854		There is no record available in this county prior to 1868, from which to obtain the required statistics for this return, as no police records were kept in the county previous to the above year.
1855	...	...	...	...	...	...	...	...	...
1856	...	...	...	...	...	...	...	...	...
1857	...	...	...	...	...	...	...	...	...
1858	...	...	...	...	...	...	...	...	...
1859	...	...	...	...	...	...	...	...	...
1860	...	...	...	...	...	...	...	...	...
1861	...	...	...	...	...	...	...	...	...
1862	...	...	...	...	...	...	...	...	...
1863	...	...	...	...	...	...	...	...	...
1864	...	...	...	...	...	...	...	...	...
1865	...	...	...	...	...	...	...	...	...
1866	...	...	...	...	...	...	...	...	...
1867	...	...	...	...	...	...	...	...	...
1868	3,928	5	13	1	8	...	1	7	4		
1869	3,928	5	13	1	8	...	2	12	10		
1870	3,928	5	13	1	8	...	4	15	7		
1871	3,709	5	13	1	8	...	1	14	6		
1872	3,709	5	13	1	8	...	...	16	9	
1873	3,709	6	13	1	9	...	3	15	6		
1874	3,709	6	11	1	9	...	3	23	7		
1875	3,709	6	11	1	9	...	...	18	12	
1876	3,709	6	10	1	9	...	1	19	10		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
5	1	...	...	...	...

D. MUNRO,
Chief Constable of County of Cromarty.
3d November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	This return does not include the Burgh of Dumbarton, and only includes Kirkintilloch since January 1872, and Helensburgh since November 1875, as to statistics of crime, but as to number of licences and convictions, it includes these Burghs since 1863.	
1855		
1856		
1857		
1858		
1859		
1860		
1861		
1862		
1863	46,141	24	...	3	109	3	5	237	82		
1864	...	22	...	4	105	...	9	339	129		
1865	...	23	...	6	105	1	8	424	128		
1866	...	23	...	3	102	...	6	285	133		
1867	...	25	...	5	102	1	1	312	91		
1868	...	26	...	6	100	...	3	239	92		
1869	...	28	...	5	92	...	2	266	94		
1870	...	27	...	4	102	2	2	271	98		
1871	...	29	...	2	104	3	1	275	103		
1872	47,453	27	...	6	100	5	3	143	76		
1873	...	25	...	5	100	...	2	688	223		
1874	...	20	...	6	105	1	10	761	422		
1875	...	27	...	4	97	...	67	788	378		
1876	...	27	250	3	100	...	129	990	313		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
	...	10	6	5	5	...	...	6	
...	...	10	6	5	5	...	...	6	...

JOSEPH JENKINS,
Chief-Constable of County of Dumbarton,
20th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of those who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	Supposed 5,460	1	not known	...	29	None.	No returns	No returns	£40.	* No Police organized prior to 1856.
1855	...	2	...	...	27	...	...	no returns*		There being no recognised offence, including Drunkenness, either under the General Police Act or at Common Law, no returns have been kept of the number of persons drunk when apprehended.
1856	...	3	...	...	27	...	...	333		The number of unlicensed grocers cannot be given except for the year 1876.
1857	...	3	...	2	29	1	...	505		No persons were apprehended Drunk and Incapable prior to 1865, the increase of numbers in that class of offenders is simply owing to the endeavours of the Police to suppress drunkenness.
1858	...	3	...	3	29	1	...	376		
1859	...	2	...	3	29	1	...	492		
1860	...	3	...	3	29	1	...	497		
1861	8,253	3	...	3	29	None.	...	486		
1862	...	2	...	3	28	...	...	610		
1863	...	4	...	2	31	1	...	729		
1864	...	4	...	2	31	None.	...	704		
1865	...	4	...	...	31	...	3	584		
1866	...	4	...	...	30	...	16	549		
1867	...	4	...	...	33	...	13	702		
1868	...	4	...	...	31	...	14	650		
1869	...	4	...	...	31	...	11	646		
1870	...	5	...	...	31	1	15	712		
1871	11,414	7	...	...	31	1	15	876		
1872	...	5	...	...	28	None.	37	973		
1873	...	5	...	...	27	...	49	1,093		
1874	...	5	...	...	25	...	49	1,063		
1875	...	3	...	...	25	...	31	1,150		
1876	...	3	42	...	23	...	118	1,233		

THOMAS CUMMING,
Superintendent of Police of the Burgh of Dumbarton,
31st October 1877.

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	2	1

Return of Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	62,793	47	324	...	73	...	The offence only created by the Act of 1862.	385		£50.	The population is exclusive of the burghs of Dumfries and Annan.
1855	...	46	327	...	72	1	27	384			
1856	...	45	330	...	72	...	91	366		This information cannot be given.	The number of grocers licensed and unlicensed, hotels and public-houses, drunk and incapable, and numbers apprehended, are all exclusive of the burghs of Dumfries and Annan.
1857	...	45	335	...	72	2	40	463			
1858	...	46	338	...	72	...	69	674			
1859	...	45	335	...	71	1	32	620			
1860	...	44	340	...	70	...	24	539			
1861	58,972	43	343	...	70	1	47	542			
1862	...	42	356	...	68	...	36	609			
1863	...	42	350	...	68	3	23	839			
1864	...	42	355	...	67	1	31	790			
1865	...	41	360	...	66	...	46	909			
1866	...	41	358	...	66	1	50	973			
1867	...	41	362	...	64	4	57	855			
1868	...	40	365	...	64	1	64	846			
1869	...	40	368	...	65	...	36	862			
1870	...	41	365	...	64	1	23	905			
1871	56,907	42	370	...	63	2	31	889			
1872	...	41	365	...	62	3	46	982			
1873	...	35	370	...	63	...	32	942			
1874	...	40	372	1	61	...	50	875			
1875	...	39	377	1	62	1	57	986			
1876	...	35	384	...	61	1	64	991			

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.	
	Under £10.	Over £10 Under £20.	Under £20 Over £30.	Over £20 Under £30.	Under £30 Over £40.	Over £30 Under £40.	Under £40 Over £50.	Over £40 Under £50.	Over £50.	
2		15	9		1		5		3	

JOHN JONES,
Chief Constable of County of Dumfries.
20th October 1877.

Return of Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	13,166	32	...	...	98	...	...	...	...	£80 to £100.	
1855	...	28	...	...	95	...	...	...	...
1856	...	21	...	...	92	...	...	...	...
1857	...	16	...	1	87	...	...	...	...
1858	...	16	...	...	91	...	...	...	...
1859	...	17	...	...	88	...	...	...	...
1860	...	18	...	...	88	...	...	...	...
1861	...	18	...	...	88	...	...	...	...
1862	14,024	18	...	...	93	...	...	...	...
1863	...	22	...	...	88	...	...	...	...
1864	...	22	...	...	85	...	...	...	...
1865	...	23	...	1	85	...	...	...	...
1866	...	26	...	4	91	1	...	...	725		
1867	...	24	...	1	81	...	41	...	470		
1868	...	22	...	...	77	...	85	...	593		
1869	...	22	...	...	82	...	74	...	625		
1870	...	22	...	...	81	3	80	...	703		
1871	15,435	23	...	...	80	3	70	...	763		
1872	...	21	...	...	82	...	64	...	741		
1873	...	20	...	...	80	...	55	...	414		
1874	...	21	...	...	80	...	117	...	492		
1875	...	21	...	...	79	...	73	...	504		
1876	...	22	125	...	79	...	125	...	809		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	4	6	4	...	8

JOHN MALCOLM,
Superintendent of Police, Town of Dumfries,
16th November 1877.

Return of Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	As this is a small town, and the rents of shops in it vary very much, I do not like to give any opinion.	I may state that I have no means of knowing anything previous to 1871 regarding the filling up of this return.
1855		
1856		
1857		
1858		
1859		
1860		
1861		
1862		
1863		
1864		
1865		
1866		
1867		
1868		
1869		
1870		
1871	3,170	10	15	None.	13	None.	1	80	...		
1872	The population, in my opinion, has decreased.	...	...	...	...	...	8	112	...
1873	5	121	...		
1874	7	109	...		
1875	9	107	...		
1876	...	10	15	...	13	...	11	120	...		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
	1	4	2	1	1	1	
1

DAVID GIBSON,
Superintendent of Police, Annan.
3d November 1877.

Return of Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	63,792	The population of Portobello and Musselburgh is not included, nor the licensed public-houses and grocers.	
1855		
1856		
1857	...	71	...	...	134	...	...	...	...
1858	...	66	...	...	131	...	...	...	...
1859	...	66	...	...	130	...	...	...	...
1860		
1861	72,248	71	...	...	126	...	...	...	...
1862	...	66	...	...	122	4	...	...	...
1863	...	76	...	...	117	3	...	...	...
1864	...	80	...	...	114	5	...	...	...
1865	...	88	...	...	112	1	119	1381	570
1866	...	88	...	...	117	4	111	1392	530
1867	...	88	...	...	117	3	137	1359	584
1868	...	97	...	...	116	2	118	1444	600
1869	...	94	...	...	120	1	120	1536	650
1870	...	103	...	...	121	5	141	1721	870
1871	...	109	...	...	118	2	160	1796	881
1872	...	113	...	...	118	3	154	1813	915
1873	...	121	...	...	121	1	140	1876	960
1874	...	114	...	...	117	1	132	2013	1030
1875	...	117	...	...	117	5	163	1948	1050
1876	74,211	122	212	...	117	1	214	1989	1213		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
19	62	23	14	2	2

ALFRED JOHN LIST,
Chief Constable of County of Mid-Lothian,
30th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	...	326	558	10	5183	7968	£40	<p>* No authentic information except from census returns in 1861 and 1871.</p> <p>No information as to the number of unlicensed grocers previously to the present date. The number at this date is 225.</p> <p>The two last tables give the number of persons apprehended by the police for every description of crime or offence, exclusive of persons found drunk and incapable.</p>
1855	...	358	...	...	471	34	5014	7159	
1856	...	351	...	...	445	13	4970	6959	
1857	...	351	...	...	402	11	4874	6706	
1858	...	336	...	...	401	3	4735	6908	
1859	...	345	...	...	400	23	4883	8431	
1860	...	358	...	...	395	8	3830	7238	
1861	*168,121	357	...	...	388	9	2952	8075	
1862	...	362	...	...	379	8	2871	8613	
1863	...	373	...	...	384	9	2235	9096	
1864	...	389	...	...	388	15	2195	9576	
1865	...	402	...	...	392	4	2274	9240	
1866	...	420	...	...	401	6	2313	9345	
1867	...	430	...	...	399	5	1915	8792	
1868	...	436	...	...	397	20	1953	9317	
1869	...	442	...	...	392	5	1977	8436	
1870	...	446	...	...	391	9	1783	8445	
1871	*196,979	468	...	...	400	6	1769	8388	
1872	...	475	...	...	397	6	1789	8276	
1873	...	490	...	...	394	6	2058	7627	
1874	...	491	...	...	395	7	2271	7922	
1875	...	483	...	...	393	6	2152	8620	
1876	...	485	225	3	394	5	2311	8903		

RENTAL OF LICENSED GROCERS, YEAR 1877-78.

Rent Under £10.	Over £10. Under £20.	Over £20. Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
2	135	77	71	52	143

THOMAS LINTON,
Superintendent of Police of City of Edinburgh,
26th October, 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	30,919	1802	836		The absence of figures under "No. of persons found drunk and incapable" is accounted for by the fact that until recently all parties brought before the Police Court for drunkenness were charged under the Police Act.
1855	1409	698		
1856	1328	511		
1857	1555	544		
1858	1494	809		
1859	1796	1087		
1860	1545	953		
1861	33,530	131	...	...	113	...	..	1739	1082	
1862	1543	954		
1863	6	..	1968	1256		
1864	6	..	2292	1318		The rental of licensed grocers does not include the rental of wholesale wine and spirit merchants' premises holding dealers' certificates.
1865	7	..	2144	1259		
1866	7	..	2060	1164		
1867	13	..	2156	1083		
1868	3	..	2138	1256		
1869	42,603	140	...	...	129	12	..	2296	1295	
1870	...	139	...	...	137	4	..	2040	1165	
1871	...	151	...	...	137	2	..	1950	1110	
1872	...	157	...	...	143	5	..	2165	1412	
1873	...	164	...	...	139	4	..	2285	1567	
1874	...	163	140	2352	1717		I have filled up all the information obtainable from the books in the police office kept by me, but the town-clerk who is in possession of the records as to certificates, cannot supply me with the full information required.
1875	...	160	...	...	143	...	..	2825	2025	
1876	...	163	40	2	143	3	..	3088	2211		

JAMES GRANT,
Superintendent of Police, Burgh of Leith,
29th November, 1877.

RENTAL OF LICENSED GROCERS.

Rent. Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.	
	Under £10.	Over £10 Under £20.	Under £20 Over £30.	Over £20 Under £30.	Under £30. Over £40.	Over £30 Under £40.	Under £40 Over £50	Over £40 Under £50	Over £50.	
5		69	15		11		3		14	

Return of Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	7,090	27	36	£20.	I have given the information wanted as complete as I could from the records kept here. Of those apprehended for crimes, more than the half were either drunk, or under the influence of drink, at the time, though I cannot state the exact number. Several of the smaller grocers here reside in their licensed premises. This, I think, should not be, as it is in these houses and shops that the most of the drinking takes place.
1855	...	22	...	...	34	...	...	...	...
1856	...	22	...	...	35	...	...	...	...
1857	...	22	...	...	36	...	...	...	...
1858	...	21	...	...	32	...	...	...	...
1859	...	21	...	...	35	...	...	...	...
1860	...	24	...	...	36	...	...	...	...
1861	7,423	25	...	...	35	...	...	...	...
1862	...	29	...	...	42	2	21	169	...
1863	...	32	...	...	35	2	17	203	...
1864	...	29	...	...	33	1	13	195	...
1865	...	27	...	...	31	1	15	206	...
1866	...	27	...	...	34	2	11	227	...
1867	...	27	...	...	31	4	14	250	...
1868	...	29	...	...	32	2	10	288	...
1869	...	27	...	...	31	...	12	301	...
1870	...	26	...	...	30	1	19	262	...
1871	7,506	26	...	...	32	2	18	300	...
1872	...	26	...	...	30	3	24	371	...
1873	...	23	...	...	31	5	29	312	...
1874	...	23	...	...	30	2	38	378	...
1875	...	23	...	...	26	...	32	318	...
1876	...	23	18	...	26	3	49	344	...		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	Over £10 Under £20.	Under £20 Over £30.	Over £30 Under £40.	Under £40 Over £50.	Over £50 Under £60.	Under £60 Over £70.	Over £70 Under £80.	
3		11	6	1	1		1		1

JAMES BAIRD,
Inspector of Police, Musselburgh.
12th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854		No record to be got prior to 1858.
1855		
1856		
1857		
1858	...	13	...	1	8	...	...	...	...
1859	...	13	...	1	9	2	...	...	...
1860	...	13	...	1	10	...	...	...	...
1861	3,497	13	...	1	10	...	...	...	...
1862	...	13	...	1	9	...	...	...	...
1863	...	16	...	1	13	...	...	...	...
1864	...	16	...	2	12	1	...	...	...
1865	4,366	16	...	2	14	...	...	...	...
1866	...	16	...	2	14	...	...	...	...
1867	...	16	...	2	14	...	...	...	...
1868	...	16	...	2	13	...	...	...	...
1869	...	16	...	2	13	...	...	...	...
1870	...	16	...	2	13	...	...	...	...
1871	5,481	17	...	2	13	...	...	...	...
1872	...	17	...	2	13	...	...	...	...
1873	...	17	...	2	13	...	...	...	...
1874	...	18	...	2	13	...	...	...	...
1875	...	17	...	1	13	...	...	...	...
1876	...	17	...	1	13	...	...	...	...

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £20.	...	Under £30.	...	Under £40.	...	Under £50.	...	
...

A. THOMSON,
Inspector of Police, Portobello,
10th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	32,535	42	...	3	109	...	...	...	...	I am not prepared to recommend a fixed rental in rural districts and in small villages.	I am of opinion that it would be an improvement on the present system were licensed grocers prohibited from selling spirits in anything less than a sealed pint bottle; and I consider that it would be an advantage to separate the trades of grocer and spirit-dealer, in towns containing a population of 2000 persons, and upwards.
1855	...	45	...	4	101	...	...	...	...
1856	...	49	181	7	102	...	...	...	...
1857	...	53	...	6	99	...	...	...	...
1858	...	53	...	8	90	...	...	...	...
1859	...	53	...	7	84	1	...	...	...
1860	...	49	...	6	82	...	...	...	...
1861	35,152	54	189	7	75	...	...	...	...
1862	...	56	...	12	69	...	...	...	...
1863	...	51	...	5	72	...	...	...	...
1864	...	49	...	1	70	...	...	...	...
1865	...	54	...	2	74	...	...	...	...
1866	...	59	227	1	73	...	...	...	...
1867	...	63	...	1	69	1	17	169	57		
1868	...	61	...	2	68	1	22	234	66		
1869	...	64	...	1	66	...	21	274	84		
1870	...	64	...	2	63	1	40	225	106		
1871	36,272	71	219	5	60	1	41	220	81		
1872	...	72	...	2	60	6	37	234	98		
1873	...	69	...	6	59	3	37	210	90		
1874	...	61	...	6	58	1	55	205	102		
1875	...	60	...	6	54	3	55	280	131		
1876	...	57	221	6	53	2	65	311	184		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10.		Over £20.		Over £30.		Over £40.		Over £50.
	Under £10.	Over £10.	Under £20.	Over £20.	Under £30.	Over £30.	Under £40.	Over £40.	
39	...	15	1	...	2	...	...	...	...

JAMES PIRIE,
Chief Constable of County of Elgin.
24th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of those who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	6,337	39	20	1	22	1	...	165	...	£20.	At the present date, the number of unlicensed grocers in Elgin may be stated at 12, and the average number for the whole period at 15. This the present number, however, with the exception of 4, are all of the smaller order, and in my opinion should hardly in any sense be classed as grocers; although, at same time, they may fairly be so, when compared with as many others in Elgin who are licensed. I believe this remark would equally apply to the whole period embraced in the return. No reliable statistics of persons found drunk and incapable previous to the year 1862.
1855	...	35	...	1	25	1	...	160	...		
1856	...	37	...	1	26	...	...	166	...
1857	...	36	...	1	24	...	...	252	117
1858	...	37	...	1	24	...	...	226	82
1859	...	41	...	1	26	...	...	262	140
1860	...	44	...	1	27	...	...	200	116
1861	7,543	42	...	2	26	...	...	285	197
1862	...	43	...	1	24	...	19	229	172		
1863	...	42	...	2	24	...	16	200	128		
1864	...	41	...	3	25	...	12	251	133		
1865	...	42	15	1	25	1	17	163	75		
1866	...	46	...	2	25	3	30	202	172		
1867	...	47	...	5	23	2	46	223	180		
1868	...	50	...	5	26	...	21	213	154		
1869	...	52	...	3	22	...	16	223	134		
1870	...	50	...	2	24	1	26	221	163		
1871	7,340	45	...	2	23	3	24	268	193		
1872	...	41	...	3	23	...	30	185	130		
1873	...	43	...	2	25	1	41	240	149		
1874	...	40	...	1	25	...	43	221	145		
1875	...	46	...	2	24	...	61	252	160		
1876	...	45	12	3	24	...	48	262	148		

RENTAL OF LICENSED GROCCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	Over £10	Under £20.	Over £20	Under £30.	Over £30	Under £40.	Over £40	
22		17		2		2		...	2

ALEXANDER MATTHEW,
Superintendent of Police, Burgh of Elgin,
3d November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	Cannot answer this, as we have no returns or memoranda.	...	...	...	...	...	...
1855		
1856		
1857		
1858		
1859		
1860		
1861		
1862		
1863		
1864	141,000	306		38	345	...	305	983	512		
1865	...	303		33	346	...	305	1034	519		
1866	...	296		39	327	...	335	1219	575		
1867	...	306		38	341	...	479	1175	547		
1868	...	290		44	337	...	439	1263	568		
1869	...	308		42	348	...	371	1382	616		
1870	...	324		40	352	...	273	1261	661		
1871	145,000	312		55	344	...	266	1198	546		
1872	...	309		44	345	10	233	1183	567		
1873	...	315		45	333	11	274	1469	800		
1874	...	322		49	333	4	273	1574	885		
1875	...	323		51	346	5	271	1499	832		
1876	...	323		50	344	7	287	1567	864		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10.		Over £20.		Over £30.		Over £40.		Over £50.
	Under £10.	Over £10. Under £20.	Under £20. Over £20.	Under £30. Over £30.	Under £40. Over £40.	Under £50. Over £50.	Under £50. Over £50.	Under £50. Over £50.	
99		169	35	12	5	3			

JAMES F. BREMNER.
Chief-Constable of County of Fife,
20th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	...	11	Cannot be given	...	80	...	21	135	106	£20.	* In 1868 the burgh boundaries were extended to the parliamentary boundaries on the west of the town, but on the east the Royal burgh extends beyond the parliamentary burgh, so that the population of the police burgh in 1871 amounted to 16,445.
1855	...	44		...	59	...	25	130	20		
1856	...	39		...	45	...	36	114	71		
1857	...	42		...	37	...	45	155	97		
1858	...	80		...	38	...	78	95	76		
1859	...	37		...	33	...	75	240	124		
1860	...	38		...	37	...	64	253	142		
1861	8,401	40		...	33	1	42	152	94		
1862	...	39		...	33	...	20	158	85		
1863	...	37		...	33	...	69	198	114		
1864	...	38		...	33	...	75	202	98		
1865	...	42		...	35	...	70	296	194		
1866	...	44		...	32	1	58	278	185		
1867	...	44		...	32	1	56	245	172		
1868	13,861	66		...	45	3	80	386*	255*		
1869	...	70		...	47	...	106	481	306		
1870	...	67		...	43	1	87	442	263		
1871	16,445	65		...	43	1	96	453	284		
1872	...	60		...	43	1	151	554	325		
1873	...	65		...	42	3	191	633	372		
1874	...	60		...	42	2	155	479	254		
1875	...	54		6	42	1	81	425	269		
1876	...	57		5	42	3	78	422	241		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10.		Over £20.		Over £30.		Over £40.		Over £50.
	Under £10.	Over £10. Under £20.	Under £20. Over £20. Under £30.	Over £20. Under £30.	Under £30. Over £30. Under £40.	Over £30. Under £40.	Under £40. Over £40. Under £50.	Over £40. Under £50.	
23	...	16	6	6	5	5	...	...	1

GEORGE STUART,
Superintendent of Police of Dunfermline Burgh,
27th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectable conducted establishment?	Remarks.
1854	67,549	17	No information.	1	138	No available record	No record kept until October 1871, when the borough of Broughty-Ferry was formed, and a Police Court established therein. Such persons not dealt with in the other parts of the county, the penalty being so trifling.	Only a very limited number of the whole persons charged with crimes and offences is apprehended (most of them being cited), and a proportion even of those apprehended is only apprehended after the lapse of some time, and when they have become sober; but there is a record made at the time of trial of the condition.	Condition of the persons tried at the time of the commission of the crime for which they are tried; and this record shows that fully 60 per cent. admit being under the influence of drink at the time of committing the crime. I am of opinion 75 per cent. at least of crime is caused by drink.	I cannot guarantee as to the accuracy of the population, as I find the amount stated differently in different public records and returns. The figures stated for 1861 and 1871 are those in the report of H.M. Inspector of Police. The rental of some of the licensed grocers includes the dwelling-house, as well as the shop, as both are rented together. The higher rentals are in Broughty-Ferry, and are for shops only.
1855	...	14		3	123					
1856	...	16		3	118					
1857	...	15		3	106					
1858	64,427	13		4	102					
1859	...	12		4	103					
1860	...	14		6	97					
1861	61,917	17		11	94					
1862	...	16		10	91					
1863	...	16		9	84					
1864	...	18		11	84					
1865	...	19		15	84					
1866	...	22		15	85					
1867	...	22		17	84					
1868	...	23		15	84					
1869	...	23		15	84					
1870	...	25		16	83					
1871	67,080	28		16	83					
1872	...	28		16	81					
1873	...	28		15	75					
1874	...	28		16	72					
1875	...	26		13	69					
1876	...	25		13	66					

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
6	11	6	1	1	...

W. KEITH,
Chief Constable of County of Forfar,
24th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	...	30	51	£30 per annum.	As regards unlicensed grocers we have none, so to speak, except the co-operative associations. We have one large unlicensed grocer, but there is also a large baking business along with it. We have a number of small shops who sell milk, bread, tea, and sugar, but cannot be called grocers proper. As regards last column, it is only since the beginning of 1876 that the drunks were distinguished from the sober when apprehended.
1855	...	27	...	...	45	...	...	...	...
1856	...	22	...	...	46	...	...	...	...
1857	...	26	...	...	41	...	...	...	...
1858	...	30	...	...	42	...	...	...	...
1859	...	30	...	...	44	...	...	...	...
1860	...	32	...	...	43	...	...	...	...
1861	17,804	37	...	...	40	...	...	...	...
1862	...	35	...	...	42	1	17	...	...
1863	...	31	...	...	40	1	91	...	...
1864	...	58	...	...	66	3	74	...	...
1865	...	57	...	...	71	1	74	...	...
1866	...	59	...	...	75	1	69	...	...
1867	...	58	...	...	78	1	49	...	...
1868	...	55	...	...	75	2	32	...	...
1869	...	57	...	...	69	2	19	...	...
1870	...	54	...	2	67	...	9	330	317		
1871	20,400	51	...	2	64	...	16	258	258		
1872	...	50	...	2	62	2	28	315	315		
1873	...	50	...	2	58	1	20	444	444		
1874	...	48	...	2	56	...	30	515	515		
1875	...	46	...	2	48	...	13	483	483		
1876	...	48	...	2	49	...	22	417	417		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
11	21	5	2	6	1

JOHN MILNE,
Superintendent of Police, Arbroath,
2d November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectable conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	£18.	I consider no shop ought to be licensed which did not command a rental of £20, as some of the small dingy places now licensed here do not tend to the respectability of the trade, and these have often a struggle for existence tending to evasion of the law. I could not give an accurate account of the unlicensed premises in former years, but they stand as given at present, many of them being very small affairs. The two associations, however, have four large shops each, placed or situated in different parts of the town, each doing a large business. The police was established here in the latter end of 1857.
1855		
1856		
1857		
1858	...	4	...	1	33	...	30	308	260		
1859	...	6	...	1	31	...	52	274	223		
1860	...	6	...	1	31	...	32	296	251		
1861	7,180	6	...	2	26	...	21	298	230		
1862	...	8	...	2	26	...	11	294	195		
1863	...	10	...	1	25	...	53	207	151		
1864	...	11	...	1	22	...	64	191	139		
1865	...	12	...	1	24	...	48	161	95		
1866	...	10	...	1	24	1	27	127	71		
1867	...	11	...	1	23	...	26	165	106		
1868	...	11	...	1	29	...	12	95	48		
1869	...	12	...	2	32	...	22	108	55		
1870	...	16	...	2	33	...	8	82	45		
1871	7,933	14	...	2	29	...	7	82	50		
1872	...	14	...	3	27	...	15	194	136		
1873	...	15	...	3	27	...	8	190	139		
1874	...	16	...	3	27	...	23	188	158		
1875	...	17	...	3	26	...	19	280	222		
1876	...	16	21	3	26	...	19	221	171		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
4	7	2	2	...	1

ANGUS STUART.
Superintendent of Police, Brechin, County of Forfar,
12th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectable conducted establishment?	Remarks.
								No.	No. Drunk.		
1854	...	201	†	†	316	§	1352	4602	¶	It is exceedingly difficult to venture an opinion on this subject, as a fair shop can be got in a side street and in an outlying district of the town for £18 or £20, whereas the same shop could not be got for considerably more than double that rent if it were situated in one of the central and leading streets.	* The estimate of the population is that furnished by the Registrar General for Scotland, whose office was only established in 1854. † No record has been kept here of unlicensed grocers for past years, but there are at present 468 unlicensed grocers in Dundee, classified as follows: viz., 1st class, 86; 2d class, 153; and 3d class, 229. ‡ No accurate record in police books except for years, for which numbers are furnished. § Preceding remark is also applicable. ¶ The numbers here given include all persons who were apprehended, as also those who were cited by the police to answer for all kinds of crimes and offences committed within the burgh. ¶¶ No record has been kept until this year in the police books of the number of persons who were drunk when apprehended, except those who were charged with drunkenness as an offence.
1855	*83,483	155	...	...	244	...	925	3697	...
1856	85,221	148	...	...	248	...	1130	4521	...
1857	86,989	146	...	...	250	...	876	3450	...
1858	88,168	162	...	...	245	...	696	2958	...
1859	89,331	172	...	...	239	...	598	2525	...
1860	90,494	178	...	...	265	...	566	2095	...
1861	92,241	185	...	...	278	...	482	2086	...
1862	94,816	182	...	...	291	...	472	2152	...
1863	97,462	178	...	...	296	1	597	2455	...
1864	100,182	179	...	...	295	4	989	3027	...
1865	102,978	183	...	...	341	2	1231	3243	...
1866	105,853	230	...	...	315	6	1242	3444	...
1867	108,808	236	...	...	358	13	1147	3371	...
1868	111,846	242	...	...	333	4	935	2930	...
1869	114,968	241	...	4	330	5	907	2767	...		
1870	118,178	239	...	4	296	19	813	3045	...		
1871	121,477	235	...	3	296	12	980	3528	...		
1872	124,817	237	...	5	289	17	1133	4808	...		
1873	128,250	234	...	2	264	18	1446	5446	...		
1874	131,777	220	...	2	256	8	1907	7366	...		
1875	135,401	209	...	1	255	1	1656	6435	...		
1876	139,125	201	...	3	258	4	1612	6502	...		

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	111	26	25	11	23

RENTAL OF LICENSED GROCCERS.

D. DEWAR,
Superintendent of Police, Dundee,
30th October 1877.

Return of Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	Remarks.
								No.	No. Drunk.		
1854	9,301	21	No record	...	43	£20.	Police Force established in 1857. No record previously.
1855	...	13		...	44	...	...	...	...
1856	...	10		1	51	...	...	...	...
1857	...	10		1	46	...	8	65	15		
1858	...	13		1	41	...	45	374	103		
1859	...	11		1	48	...	71	417	189		
1860	...	12		1	43	...	29	389	234		
1861	9,258	11		2	45	...	45	538	312		
1862	...	10		2	47	...	42	454	270		
1863	...	12		2	44	...	29	539	332		
1864	...	15		2	46	...	50	610	405		
1865	...	14		2	48	1	36	418	266		
1866	...	16		1	44	3	60	542	330		
1867	...	15		1	46	2	65	518	324		
1868	...	10		2	43	1	65	347	208		
1869	...	20		2	40	1	68	294	199		
1870	...	22		3	39	3	68	260	184		
1871	11,031	21		4	39	3	71	247	181		
1872	...	19		4	42	4	58	196	132		
1873	...	17		4	40	1	73	245	187		
1874	...	19		5	45	1	94	267	191		
1875	...	15		3	47	...	87	323	223		
1876	...	16	102	3	45	...	79	301	238		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
2	11	...	3	...	...

JAMES STIRLING,
Superintendent of Police, Burgh of Forfar,
7th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk		
1854	£30.	I have been unable to fill up this return for a longer period than I have done, being but a few years in Kirriemuir. Also the Clerk to the Justices refuses to give me any information as to the years previous to what I have filled up. This only includes the town of Kirriemuir.
1855	...	...	...	...	...	...	...	...	...
1856	...	...	...	...	...	...	...	...	...
1857	...	...	...	...	...	...	...	...	...
1858	...	...	...	...	...	...	...	...	...
1859	...	...	...	...	...	...	...	...	...
1860	...	...	...	...	...	...	...	...	...
1861	...	...	...	...	...	...	...	...	...
1862	...	...	...	...	...	...	...	...	...
1863	...	...	...	...	...	...	...	...	...
1864	...	...	...	...	...	...	...	...	...
1865	...	...	...	...	...	...	...	...	...
1866	...	...	...	...	...	...	...	...	...
1867	...	...	...	...	...	...	...	...	...
1868	...	...	...	...	...	...	...	...	...
1869	...	...	...	...	...	...	...	...	...
1870	2,839	...	...	...	...	...	...	...	...
1871	2,839	...	...	...	...	...	...	...	...
1872	2,839	...	...	...	...	...	...	...	...
1873	2,839	4	16	...	13	...	13	82	53		
1874	2,839	4	16	...	13	...	14	82	53		
1875	2,839	5	16	1	12	...	13	105	65		
1876	2,839	5	16	1	12	...	15	47	82		
							9	43	21		
							6	36	30		
							11	51	19		
							12	23	11		
							24	88	46		
							16	73	47		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	2	2	1	...	...

WILLIAM CHRISTIE.
Superintendent of Police, Kirriemuir.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	15,238	34	...	3	52	1	53	450	266	£30.	Hotels, publichouses, and grocers' licenses granted according to population, allowing fixed number of each.
1855	...	39	...	1	35	...	83	595	361		
1856	...	39	...	1	35	1	56	468	217	Hotels and publichouses (in burghs) not to sell to be consumed off the premises. Same rule to apply in country districts, if within certain radius of licensed grocer.	Hotels and publichouses to close at 10 P.M. Grocers to close at 8 P.M. ; on Saturdays at 9 P.M.
1857	...	35	...	1	32	3	74	527	335		
1858	...	38	...	1	28	...	83	309	145		
1859	...	38	...	1	26	...	67	329	136		
1860	...	38	...	1	22	...	86	306	127		
1861	14,563	39	...	1	25	1	103	343	100		
1862	...	41	...	1	24	3	85	358	127		
1863	...	46	...	...	27	...	100	298	94
1864	...	42	...	...	24	1	106	342	108
1865	...	40	...	...	24	...	133	359	87
1866	...	39	24	1	142	279	68		
1867	...	38	...	...	24	...	146	392	69
1868	...	43	...	...	26	...	152	332	105
1869	...	45	...	...	26	...	100	243	79
1870	...	47	...	1	28	1	87	274	82		
1871	14,548	47	...	1	29	3	91	255	32		
1872	...	40	...	1	30	...	77	273	153		
1873	...	44	...	1	26	...	95	259	163		
1874	...	45	...	1	27	...	105	364	173		
1875	...	43	...	1	27	3	104	281	134		
1876	...	40	126	1	25	1	76	277	133		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
7	12	11	3	1	6

JAMES WILSON,
Superintendent of Police, Montrose,
1st November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	36,396	71	98	3	141	428	177	£20 in towns. £10 in country places.	The royal burgh of Dunbar was amalgamated with the county for police purposes in 1864, and the royal burgh of Haddington was amalgamated with the county in 1874. The apprehensions in these burghs prior to those dates are not included in this return, a record of drunkenness in the burghs not having been kept.
1855	...	93	97	4	98	...	...	407	150
1856	...	88	96	2	95	1	...	402	145		
1857	...	90	98	4	95	...	...	397	145
1858	...	91	98	4	89	2	...	376	124		
1859	...	94	98	5	86	2	...	379	135		
1860	...	95	101	5	83	...	...	274	112
1861	37,598	98	100	11	80	...	...	312	151
1862	...	93	100	7	83	...	...	315	124
1863	...	79	101	7	73	...	32	317	83		
1864	...	88	101	11	72	6	15	299	101		
1865	...	88	105	10	74	1	7	257	98		
1866	...	94	106	12	69	1	10	266	115		
1867	...	90	110	12	74	1	4	297	107		
1868	...	92	113	12	71	3	4	281	97		
1869	...	87	111	14	71	1	12	317	134		
1870	...	88	118	14	70	4	31	514	251		
1871	37,676	86	122	12	71	2	25	394	209		
1872	...	90	118	15	66	2	45	388	158		
1873	...	93	122	15	59	2	55	484	206		
1874	...	88	121	13	60	2	95	807	386		
1875	...	85	128	12	58	3	150	782	319		
1876	...	82	131	12	56	3	204	947	544		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
21	39	10	11	1	...

G. H. LIST,
Chief Constable of County of Haddington,
14th November 1877.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of those who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	£10 in rural districts, and £15 or £20 in villages having a population of 1000 and upwards.	Since the year 1861 there has been a decrease of 20 hotel and publichouse licenses, and an increase of 5 grocers in this county. The latter increase has been the means of suppressing shebeen-ing, and thereby doing much good without increasing drunkenness, but contrariwise. I have no doubt there are evasions of the law on the part of licensed grocers, but I never knew of a drunken row or brawl in a grocer's shop in this county. My experience, however, is far otherwise with regard to hotels and publichouses. It would be well to raise the status of all licence holders to as high a standard as possible, and give the police the same facilities for inspecting licensed grocers' shops (as they now have for inspecting hotels and publichouses), when they have good cause to believe that drinking is going on, on the premises. I am unable to give the number of unlicensed grocers in the county, and to enable me to do so would require a very considerable amount of time.
1855		
1856		
1857		
1858		
1859		
1860		
1861	76,379	...	...	...	...	...	...	...	...
1862		
1863		
1864		
1865		
1866	285	86		
1867	1	...	277	113		
1868	293	81		
1869	232	68		
1870	73,062	...	...	...	...	...	...	248	98
1871	285	102		
1872	231	82		
1873	283	119		
1874	1	...	313	146		
1875	248	122		
1876	...	20	...	6	105	...	71	...	...

In the column "Drunk when Apprehended," parties drunk when committing crime are only entered, and these, as a general rule, were sober when apprehended.

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
5	4	7	2	2	...

WILLIAM MURRAY,
Chief-Constable of County of Inverness,
24th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	12,715	39	93	...	50	222	85	£35.	This return is for the burgh of Inverness only.
1855	...	42	...	...	94	...	60	352	195
1856	...	40	...	...	95	...	137	268	213
1857	...	43	...	...	78	1	80	235	159
1858	...	42	...	...	83	2	84	215	169
1859	...	36	...	...	82	...	76	188	146
1860	...	40	...	...	83	...	73	208	156
1861	12,509	33	...	...	72	...	58	141	117
1862	...	32	...	...	71	...	64	158	64
1863	...	35	...	...	69	1	43	186	83
1864	...	40	...	...	72	...	55	280	121
1865	...	42	...	...	71	1	48	281	138
1866	...	43	...	...	69	1	48	280	135
1867	...	37	...	...	62	...	45	309	131
1868	...	46	...	...	67	2	41	362	149
1869	...	39	...	...	63	1	64	426	187
1870	...	41	...	...	65	...	54	378	161
1871	14,463	43	...	...	61	1	46	298	123
1872	...	40	...	...	56	1	65	358	144
1873	...	42	...	...	55	...	96	622	242
1874	...	41	...	...	54	2	103	746	373
1875	...	44	...	...	50	2	104	568	243
1876	...	43	63	...	50	...	83	491	183		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	Over £10 Under £20.	Under £20 Over £30.	Over £20 Under £30.	Under £30 Over £40.	Over £30 Under £40.	Under £40 Over £50.	Over £40 Under £50.	
15		12	3		2		1		10

THOMAS WYNESS.
Superintendent of Police for the Burgh of Inverness.
31st October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	34,598	16	...	7	89	£10.	* The number can only be given for the present year (1877). Possibly the Excise might be able to furnish lists for previous years. † No reliable data prior to 1859. ‡ No reliable records prior to 1869. N.B.—The whole county of Kincardine is included in this return.
1855	...	16	...	7	85	...	...	...	...
1856	...	17	...	6	70	...	...	...	...
1857	...	18	...	5	68	...	...	...	...
1858	...	19	...	6	67	...	...	...	...
1859	...	22	...	7	65	1†	161†	64†	...	
1860	...	19	...	7	62	3	136	57	...	
1861	34,466	18	...	8	63	...	182	99	...	
1862	...	20	...	5	64	...	205	119	...	
1863	...	21	...	5	65	1	206	114	...	
1864	...	20	...	8	64	...	210	117	...	
1865	...	20	...	6	65	...	234	148	...	
1866	...	22	...	8	63	3	170	105	...	
1867	...	24	...	8	61	1	159	96	...	
1868	...	29	...	7	60	2	164	89	...	
1869	...	27	...	11	56	2	173	93	...	
1870	...	27	...	8	56	2	168	90	...	
1871	34,651	28	...	9	60	1	202	100	...	
1872	...	27	...	9	60	1	167	97	...	
1873	...	27	...	9	58	1	171	91	...	
1874	...	27	...	9	58	1	187	114	...	
1875	...	27	...	9	58	2	188	121	...	
1876	...	27	*185	9	57	...	183	125	...	

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
	7	2	
18

ALEX. WEIR,
Chief Constable of County of Kincardine,
23d October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	...	23	No Record kept	2	31	None.	No Prosecutor appointed till 1869, consequently no record kept.	Record kept by another Chief Constable. Not available.	No record kept. Say about two-thirds. From observation.	As this return is largely made up from books kept by others, I can only vouch for the perfect accuracy of it as regards the year 1876.
1855	...	19		2	27					
1856	...	13		2	34					
1857	...	11		2	34					
1858	...	10		2	34					
1859	...	10		2	32					
1860	...	11		2	32					
1861	7,977	10		2	30					
1862	...	11		2	29					
1863	...	11		2	30					
1864	...	12		2	30*					
1865	...	12		2	30					
1866	...	12		2	30					
1867	...	12		2	30					
1868	...	12		2	29					
1869	...	12		2	27					
1870	...	12		2	28					
1871	7,208	17		2	26					
1872	...	17		2	25					
1873	...	13		2	25					
1874	...	14		1	25					
1875	...	13		1	27					
1876	...	13	31	2	21		6	68		

RENTAL OF LICENSED GROCCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
5	6	2	...	...	...

PETER CLARK,
Chief Constable of County of Kinross.
22d October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	43,121		160			...	...	225	70	
1855	...		165			...	...	168	43	
1856	...		166			...	...	225	74	
1857	...		167			...	...	254	94	
1858	...		170			...	...	338	117	
1859	...		170			...	16	558	176	
1860	...		174			...	4	774	149	
1861	42,495		177			...	16	485	180	
1862	...		177			...	46	572	224	
1863	...		184			...	102	654	205	
1864	...	No statistics kept previous to 1866.	185		No statistics kept.	1	61	531	156	
1865	...		186			...	48	425	115	
1866	...	29	192	2	82	...	No persons convicted during these five years.	205	67	
1867	...	29	195	2	82	...		165	57	
1868	...	31	196	2	86	...		155	50	
1869	...	31	197	2	86	...		180	66	
1870	...	31	201	2	86	...		207	95	
1871	41,852	32	203	3	82	...	7	257	121	
1872	...	31	212	3	78	...	16	260	133	
1873	...	31	210	3	78	2	11	314	127	
1874	...	32	213	3	76	...	5	293	128	
1875	...	33	214	3	74	...	16	347	161	
1876	...	31	217	3	76	1	13	394	191	

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
3	19	5	2	1	1

ALEX. DAVIDSON,
Chief-Constable of County of Kirkcudbright,
24th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	126,666	126	A 448	3	561	2	B 27	1172	778	I can offer no opinion, as the law can be evaded equally whatever the rental.	The columns marked A. B. C. have been prepared with every care, but the records from which they are compiled do not appear to have been uniformly kept in the early years.
1855	128,180	175	467	6	456	1	24	1505	1035		
1856	129,480	176	476	6	463	3	34	1743	1134		
1857	131,169	178	488	9	457	4	37	1433	1084		
1858	132,782	162	502	7	437	3	59	1902	965		
1859	134,366	172	510	12	455	3	62	2115	1076		
1860	135,767	173	521	20	464	1	128	2263	1278		
1861	172,863	170	527	71	614	8	303	2457	1318		
1862	174,546	186	543	74	591	10	129	2252	1212		
1863	175,942	180	554	21	438	10	58	2305	1194		
1864	177,401	181	561	15	469	22	145	2916	1581		
1865	178,793	176	573	14	454	17	86	3314	1749		
1866	181,946	192	591	17	459	19	81	3433	1928		
1867	184,423	173	592	19	492	13	122	3204	1798		
1868	185,037	181	602	13	510	15	272	2947	1496		
1869	186,138	189	605	15	498	9	128	2703	1402		
1870	189,688	207	614	15	516	15	258	3561	2066		
1871	202,200	213	631	16	509	15	340	3784	2295		
1872	227,529	220	739	18	527	12	346	4797	2875		
1873	228,006	224	788	19	524	7	566	5397	3567		
1874	229,266	227	782	22	542	5	386	4942	3210		
1875	237,803	248	905	26	562	10	453	5435	3382		
1876	267,255	260	882	25	576	10	472	4934	3047		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50
	120		48		22		12		
22									29

WALLACE B. MCHARDY,
Chief Constable of County of Lanark,
29th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	Estimated	...	Not known	Not known	13,616	4821	Not known	Not under £20.	* For 9 months only, owing to change of date in making up statistics.
1855	360,000	185			...	...	11,076	3612	
1856	...	184			1702	...	11,864	3327			
1857	...	165			1589	...	14,075	3370			
1858	...	164			1508	...	19,412	3207			
1859	...	171			1458	...	16,081*	2653*			
1860	According to Census	186			1500	...	23,578	3770			
1861	403,142	178			1521	...	21,763	4204			
1862	...	173			1574	...	21,154	4406			
1863	...	180			1569	...	22,966	4805			
1864	...	185			1546	6	23,069*	5218			
1865	...	197			1535	5	23,922	5126			
1866	...	217			1553	4	23,029	4555			
1867	...	213			1566	4	21,784	5042			
1868	...	222			1575	6	21,732	4726			
1869	...	240			1567.	1	24,965	5228			
1870	According to Census	231			1555	2	27,155	5077			
1871	490,442	246			1564	2	28,723	5046			
1872	...	265			1573	3	31,957	5287			
1873	...	272			1581	...	35,243	5791			
1874	...	269			1597	2	30,606	5729			
1875	...	268			1598	...	15,905	5503			
1876	Estimated 550,000	268			1588	...	14,046	5509			

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £20.	41	Over £20.	Under £30.	Over £30.	Under £40.	Over £40.	Under £50.	
...	...	41	24	33	32	138			

A. M'CALL,
Chief-Constable of City of Glasgow,
19th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	14,435	21		...	109		256	1549			The foregoing is all the information I can furnish on the subject, and may not in some cases be strictly correct, because previous to the M'Kenzie Act the records make no distinction between grocers' and publicans' licences.
1855	...	21		...	89		138	1190			
1856	...	20		...	75		211	1115			
1857	...	21		...	98		292	1508			
1858	...	26		...	84		174	1042			
1859	...	25		...	89		193	977			
1860	...	25		...	85		177	934			
1861	12,922	21		...	74		158	813			
1862	...	20		...	77		114	699			
1863	...	20		...	68		161	1037			
1864	...	19		...	70		208	1231			
1865	...	24		...	76		199	1145			
1866	...	23		...	79		228	1228			
1867	...	24		...	78		213	953			
1868	...	23		...	74		208	1190			
1869	...	23		...	81	1	174	833			
1870	...	26		...	82	1	205	893			
1871	13,560	22		...	82	1	160	899			
1872	...	22		...	88	1	190	1112			
1873	...	25		...	86	1	532	2518			
1874	...	25		...	84	1	296	1637			
1875	...	25		2	84	1	251	1232			
1876	...	26	29	2	80	...	226	1078	602		
			Cannot be ascertained.			Cannot be ascertained.		No means of ascertaining, as drunkenness is not charged as an aggravation.			

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
8	15	3	...	...	...

W. SINCLAIR,
Superintendent of Police, Burgh of Airdrie,
11th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	Can't tell. Kept no account.	None.	...	None.	£40.	This burgh was not constituted till August 1864. Prior to that I had no charge over it.
1855	...	...			...		...	...	...
1856	...	...			...		...	...	...
1857	...	...			...		...	...	...
1858	...	...			...		...	...	...
1859	...	...			...		...	...	...
1860	...	...			...		...	...	...
1861	...	...			...		...	...	...
1862	...	...			...		...	...	...
1863	...	...			...		...	...	...
1864	...	...			...		...	...	...
1865	10,915	12			15	None.	56	1136	289		
1866	...	14			17		60	1064	736		
1867	...	14			20		71	1098	732		
1868	17,000	15			20		124	1189	793		
1869	...	16			23		147	1188	1192		
1870	...	18			27		224	1020	1080		
1871	19,214	20		2 3 3 5 7 8	29		292	1702	1135		
1872	...	26			39		478	2934	1956		
1873	23,000	33			52		573	3031	2021		
1874	...	40			55		495	3092	2062		
1875	...	44			58		603	3439	2293		
1876	44,000	48	110		59		660	3602	2402		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10. Under £20.	Over £20. Under £30.	Over £30. Under £40.	Over £40. Under £50.	Over £50.
...	...	7	9	17	15

DAVID YOUNG,
Superintendent of Police, Burgh of Govan,
15th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	£30.	
1855		
1856		
1857		
1858		
1859		
1860		
1861		
1862		
1863	10,686	32	...	4	46	5	43	134	45		
1864	...	27	...	3	51	5	69	144	54		
1865	...	32	...	3	51	6	67	161	59		
1866	...	32	...	3	50	2	65	129	48		
1867	...	32	...	4	52	...	51	157	65		
1868	...	33	...	4	52	1	80	152	61		
1869	...	32	...	5	53	...	88	129	43		
1870	...	35	...	5	53	1	117	149	47		
1871	11,496	34	...	5	50	2	157	141	45		
1872	...	33	...	4	45	1	288	208	75		
1873	...	32	...	4	43	2	220	167	57		
1874	...	33	...	4	44	4	151	211	72		
1875	...	34	...	5	44	1	248	193	65		
1876	...	41	64	6	44	...	353	175	59		

RENTAL OF LICENSED GROCERS.

Under £10.	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	Under £20.	Under £20.	Under £30.	Under £40.	Under £40.	Under £50.	Under £50.	
4		14	2		5		3		3

JAMES S. CULLEN,
Superintendent of Police, Burgh of Hamilton,
13th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	Remarks.
								No.	No. Drunk.		
1854	None.	...	None.	In my opinion no house to be less rental than £30 ought to be licensed.	I am sorry that I am unable to give you a correct return, further than for the three years 1874-75-76.
1855	...	...	...		...		...	...	...
1856	5000	4	9		10		...	...	...
1857	...	...	...		...		...	...	...
1858	...	...	...		...		...	...	...
1859	...	...	...		...		...	...	...
1860	...	...	...		...		...	...	...
1861	...	...	...		...		...	...	...
1862	...	...	...		...		...	...	...
1863	...	...	...		...		...	...	...
1864	...	...	...		...		...	...	...
1865	...	...	...		...		...	...	...
1866	...	...	...		...		...	...	...
1867	...	...	...		...		...	...	...
1868	...	...	...		...		...	...	...
1869	...	...	...		...		...	...	...
1870	...	8	14	...	...		...	...	...
1871	5,832	...	...	1	13		...	...	...
1872	...	...	...	...	...		...	...	...
1873	...	...	...	...	...		...	...	...
1874	11,000	...	20	...	...		116	434	...
1875	12,000	...	40	...	16		121	523	...		
1876	16,000	...	48	...	17		171	516	...		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10. Under £20.	Over £20. Under £30.	Over £30. Under £40.	Over £40. Under £50.	Over £50.
...	2	5	1	...	...

GEORGE ANDERSON,
Superintendent of Police, Burgh of Maryhill,
7th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment??	REMARKS.
1854	A number of them very small concerns, others good shops doing a good business.	About £60.	It is alleged that drinking is allowed on the premises of many licensed grocers, and I believe that such is the case. If all rooms within the premises of licensed grocers were prohibited, the result would be less drinking on the premises. Drunk and incapable cases are greatly on the increase in this town. Persons apprehended for this offence during the year 1876, 281, in the present year, up to date, 385. For this offence, no matter how often a person may be brought before the Court, the magistrate can only pass a sentence of 5s., or 24 hours' imprisonment. If magistrates were empowered to increase the punishment on persons found guilty of this offence a second and third time, the very drunken class of persons would be restrained from appearing so often as they now do in the course of a year before the bar of a police court.
1855		
1856		
1857		
1858		
1859		
1860		
1861	10,917	...		...	...	...	...	...	...
1862		
1863		
1864		
1865		
1866		
1867		
1868		
1869		
1870		
1871	17,676	12	1	1	31	...	150	1382	...		
1872	...	16	1	1	33	...	159	1430	...		
1873	...	18	1	1	33	...	182	1674	...		
1874	...	18	1	1	34	1	201	1786	...		
1875	...	19	1	1	36	...	263	1996	...		
1876	26,000 (estimated)	20	1	1	35	...	281	2582	...		
Previous to 31st December 1876, no record was kept of the number of persons drunk when apprehended. Such a record is now kept, and it shows that for every 100 persons taken into custody, about 77 of them were drunk when apprehended.											

RENTAL OF LICENSED GROCCERS.

Rent	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	1	1	2	...	16

ANDREW EDWARDS,
Superintendent of Police of the Burgh of Partick,
10th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	30,135	24	...	8	145	1	Publicans in villages, £11.	Dwelling-houses and licensed premises ought to be separate, and at least 100 yards apart, especially grocers. One-fourth of the publicans in town and country are rented under £12, and this frequently includes family accommodation. Kitchen drinking amid the family follows as a rule, and this should be avoided, if possible.
1855	...	57	...	4	103	...	...	...	...	" in towns, £15.
1856	...	57	...	3	108	2	...	...	...	Grocers in places under 2000 inhabitants, £15.
1857	...	60	...	3	100	2	...	444	...	Above 2000, £25.	
1858	...	57	...	5	99	1	...	570	...		
1859	...	55	...	2	96	...	...	668	378	
1860	...	58	...	3	102	...	...	580	349	
1861	38,399	57	...	9	103	1	...	479	263		
1862	...	57	...	8	100	...	10	439	255		
1863	...	64	...	7	100	3	15	444	202		
1864	...	63	...	6	102	4	21	420	216		
1865	...	64	...	8	100	4	32	431	175		
1866	...	68	...	6	100	...	37	477	190		
1867	...	69	...	6	101	...	248	649	284		
1868	...	66	...	6	105	...	235	700	...		
1869	...	67	...	6	104	4	351	741	...		
1870	...	71	...	6	103	1	357	729	...		
1871	40,915	72	...	6	102	5	282	843	...		
1872	...	74	...	5	99	3	317	1072	...		
1873	...	75	...	5	98	1	435	1206	...		
1874	...	77	...	6	97	3	411	1437	...		
1875	...	75	...	7	98	1	199	1366	...		
1876	...	71	119	8	93	1	181	1567	961		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
14	44	11	4	3	...

JOHN GARDNER,
Deputy Chief Constable of County of Linlithgow.
10th November 1877.

Return from Chief Constables and Superintendents of Police.

Year	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	...	6	...	1	15	I do not consider the matter of rent any guarantee for a respectably conducted establishment, many of the small establishments being equally as well conducted as the larger ones.	This Return has been made to apply to the Burgh of Nairn only, there being no Licensed Grocers in the County of Nairn
1855	...	5	...	...	15	...	...	...	...
1856	...	4	...	...	14	...	...	...	...
1857	...	4	...	...	14	...	...	...	...
1858	...	4	...	...	13	...	...	...	...
1859	...	3	...	...	12	...	...	...	...
1860	...	3	...	...	13	...	...	...	...
1861	...	3	...	...	14	...	...	...	...
1862	...	3	...	...	13	...	...	...	...
1863	...	5	...	1	13	...	...	...	...
1864	...	5	...	2	12	...	...	...	...
1865	...	6	...	1	13	...	...	...	...
1866	...	9	...	...	14	...	...	...	...
1867	...	8	...	1	14	...	3	59	30		
1868	...	8	...	1	15	1	1	63	29		
1869	...	8	...	1	13	...	5	46	21		
1870	...	10	...	2	13	...	6	37	26		
1871	3,735	9	...	1	12	...	6	45	26		
1872	...	9	...	1	11	...	7	37	25		
1873	...	10	...	1	12	...	4	50	42		
1874	...	10	...	2	10	...	15	48	35		
1875	...	9	...	2	10	...	22	62	45		
1876	...	10	27	2	11	...	16	57	41		
1877	...	10	...	2	10	...	...	...	...

RENTAL OF LICENSED GROCCERS.

Rent Under £10.	Over £10. Under £20.		Over £20. Under £30.		Over £30. Under £40.		Over £40. Under £50.		Over £50.
	6	4	1	1	1	
...

JAMES STIRLING,
Chief-Constable of County of Nairn,
19th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	31,455	2	56	There were no police established in this county previous to 1858, and no register kept for any police purposes whatever. I am not of opinion that the amount of rent would secure a respectably conducted establishment; the highest rented premises in this county are the most irregular places in general. I only give the number of unlicensed grocers for 1876, having no means of obtaining accurate information previous to that date. This return is for the county including the burghs of Kirkwall and Stromness. There were no place of confinement for incapacables previous to 1871, and no prosecutions for such.	
1855	...	3	...	...	57	...	...	...	...
1856	...	4	...	...	52	...	...	...	...
1857	...	7	...	...	47	...	...	...	...
1858	...	6	...	...	47	...	...	46	12
1859	...	6	...	...	54	...	...	142	47
1860	...	8	...	...	49	...	...	144	42
1861	32,395	7	...	...	49	...	...	63	35
1862	...	7	...	...	50	1	...	76	17
1863	...	7	...	...	46	...	...	69	33
1864	...	7	...	...	36	1	...	50	17
1865	...	8	...	...	35	...	...	66	12
1866	...	9	...	...	37	...	...	47	28
1867	...	8	...	...	38	1	...	32	10
1868	...	9	...	...	32	1	...	31	13
1869	...	11	...	...	34	...	...	35	14
1870	...	10	...	...	44	...	...	38	23
1871	31,274	10	...	...	44	...	1	38	11
1872	...	11	...	...	30	...	1	80	11
1873	...	12	...	...	29	...	1	71	20
1874	...	14	...	...	26	...	2	108	36
1875	...	14	...	...	22	...	5	100	24
1876	...	13	210	1	23	...	6	77	45		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
8	3	2	...	...

3 M

ALEX. GRANT,
Chief-Constable of County of Orkney.
30th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	10,738	9	39	...	30	115	32	In my opinion rental will not form a true test of the respectability of a tenant.	The whole county is included in this return. No towns are omitted.
1855	...	22	41	...	20	...	...	46	9
1856	...	21	41	...	20	...	...	79	15
1857	...	19	41	...	20	...	...	75	17
1858	...	19	41	...	18	...	...	95	32
1859	...	19	40	...	18	...	...	62	29
1860	...	21	40	...	18	...	...	81	33
1861	11,408	22	40	...	18	...	...	54	22
1862	...	22	41	...	18	...	2	153	41		
1863	...	20	42	...	20	...	24	118	75		
1864	...	24	43	...	19	...	13	116	53		
1865	...	24	42	...	16	1	5	98	45		
1866	...	25	43	...	18	2	...	115	42		
1867	...	22	42	...	19	1	...	262	72		
1868	...	24	46	...	19	...	18	311	91		
1869	...	24	48	...	19	2	17	365	76		
1870	...	25	49	1	17	1	15	303	80		
1871	12,330	27	49	1	17	...	33	267	102		
1872	...	27	55	1	17	2	28	237	65		
1873	...	27	53	1	16	...	23	194	69		
1874	...	27	52	1	15	1	24	252	110		
1875	...	29	52	1	15	1	39	265	131		
1876	...	28	52	1	14	...	25	281	141		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10.		Over £20.		Over £30.		Over £40.		Over £50.
	Under £10.	Over £10. Under £20.	Under £20.	Over £20. Under £30.	Under £30.	Over £30. Under £40.	Under £40.	Over £40. Under £50.	
4	...	15	7	...	1	...	2	...	...

DAVID WATSON,
Chief-Constable of County of Peeblesshire.
19th October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	I consider that the rental paid by an individual is no guarantee for his respectability.	The number entered in the column "Found Drunk and Incapable" were not brought before any Court, but merely locked up by the constables in various districts of the county, and liberated when sober. They are not enumerated in the column "Number Apprehended."
1855		
1856		
1857		
1858		
1859		
1860		
133,500		
1861		
1862		
1863		
1864		
1865		
1866	...	50	...	17	239	0	115	530	275		
1867	...	49	...	18	238	1	119	537	238		
1868	...	53	...	19	239	4	97	756	233		
1869	...	52	...	20	233	2	99	682	253		
1870	...	51	...	18	235	4	92	621	234		
127,768	...	50	...	18	231	1	81	707	235		
1871	...	49	...	22	225	3	78	750	301		
1872	...	51	...	23	222	1	80	776	277		
1873	...	60	...	19	215	1	106	773	340		
1874	...	59	...	19	215	2	235	889	396		
1875	...	59	...	16	212	1	261	1060	507		
1876	...	59	...	16	212	1	261	1060	507		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10. Under £20.		Over £20. Under £30.		Over £30. Under £40.		Over £40. Under £50.		Over £50.
	26	19	20	5	4	1			

JOHN DODD,
Chief Constable of County of Perth.
2nd January 1878.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.	What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	Remarks.
1854	£20.	* Rent for table beer licence not included.
1855		
1856		
1857		
1858		
1859		
1860		
1861	25,280	...	...	...	...	...	...	...
1862	...	41	...	1	101	2	152	447		
1863	...	38	...	1	99	3	238	481		
1864	...	41	...	1	98	...	215	446		
1865	...	44	...	1	100	2	197	364		
1866	...	42	...	1	96	...	177	410		
1867	...	47	...	1	100	3	236	334		
1868	...	43	...	1	91	1	235	353		
1869	...	40	...	1	91	1	161	383		
1870	...	43	...	1	91	...	135	331		
1871	25,585	41	...	1	85	...	153	311		
1872	...	42	...	1	80	...	186	284		
1873	...	40	...	1	76	...	153	292		
1874	...	40	...	1	70	...	152	301		
1875	...	40	...	1	70	1	158	307		
1876	25,700	40	50	1	66	...	207	422		

RENTAL OF LICENSED GROCERS.*

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
4	10	9	6	3	7

JOHN WELSH,
Superintendent of Police, Burgh of Perth.
8th January 1878.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	71,469	4	268	Minimum in the eastern parts of the county towards Glasgow, £25. £20 other parts of the county.	Average of grocers' licences are 1 to every 1257 of the population for 1876. Average of hotel and public house licences are 1 to every 391 of the population for 1876. Average of both put together gives 1 to every 255 of the population. The printed police returns for the years 1861-62-63-64-65-66-70 and 73 having been required in respect of a parliamentary committee for annexation of part of Renfrewshire, &c., to the city of Glasgow, I cannot give them.
1855	...	50	...	...	210	...	...	...	...
1856	...	48	...	...	206	...	...	...	...
1857	...	44	...	...	204	...	...	...	...
1858	...	44	...	...	203	...	...	...	...
1859	...	46	...	...	157	...	...	620	164
1860	...	46	...	...	228	...	...	874	324
1861	77,304	48	...	...	199	1	...	...	...
1862	...	53	...	...	220	1	...	...	...
1863	...	47	...	...	240	...	...	...	...
1864	...	54	...	...	237	...	...	...	...
1865	...	60	...	...	243	1	...	...	...
1866	...	58	...	...	244	...	...	...	...
1867	...	58	...	...	249	1	244	2264	785
1868	...	62	...	...	249	2	175	1991	751
1869	...	69	...	...	228	1	94	2374	991
1870	...	69	...	...	237	3	...	...	...
1871	88,000	75	...	...	251	4	118	1808	862
1872	...	75	...	...	253	...	110	2011	1006
1873	...	76	...	...	253	3	...	...	...
1874	...	71	...	...	260	...	147	2803	1091
1875	...	68	...	...	259	1	98	2491	950
1876	...	70	326	3	276	...	143	2714	1163		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
	6	24	15	4	6	15	15	15	
...

ROBERT WRENTON,
Chief-Constable of County of Renfrew,
22d October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	£25.	* The figures in column for number of persons found "drunk and incapable" are apt to mislead the public without an explanation. All prisoners apprehended for being drunk and incapable were, prior to 1871, allowed to go when sober upon their leaving their names and addresses, and were afterwards cited to appear before the court. These persons mostly gave wrong names and addresses, and when the officers proceeded to serve the complaints, no such persons could be found. Since 1871 to the present time the figures show the total apprehensions for this offence.
1855		
1856		
1857		
1858		
1859		
1860		
1861	42,100	...	...	...	...	...	...	...	...
1862		
1863		
1864	...	25	...	...	202	...	*306	4471	928
1865	...	27	...	...	210	...	267	4849	704
1866	...	27	...	...	210	2	210	4115	712
1867	...	30	...	...	204	...	367	4011	633
1868	...	31	...	...	204	1	528	4490	833
1869	...	33	...	...	206	1	379	4397	938
1870	...	32	...	...	204	...	503	4204	992
1871	57,976	34	...	...	205	1	*1163	4255	953
1872	...	34	...	...	204	...	1449	4759	1091
1873	...	36	...	...	204	2	1549	4782	1159
1874	...	36	...	...	203	...	1591	4433	895
1875	...	37	...	...	201	...	1447	4565	1006
1876	68,000	39	241	7	201	...	1531	4747	1042		

RENTAL OF LICENSED GROCERS.

Rent	Over £10		Over £20		Over £30		Over £40		Over £50.
	Under £10.	...	Under £20.	9	Under £30.	2	Under £40.	5	
...				9		2		5	14

JAMES ORR,
Superintendent of Greenock Police.
3rd November.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	47,952	58	...	4	169	...	...	...	...	£30.	
1855	...	37	...	4	181	...	...	...	...
1856	...	36	...	2	182	...	...	...	...
1857	...	36	...	3	182	...	...	...	...
1858	...	34	...	3	177	...	...	...	...
1859	...	38	...	3	178	...	...	...	...
1860	...	39	...	2	174	...	...	...	...
1861	47,406	39	...	4	173	...	...	...	...
1862	...	40	130	3	170	...	276	2179	...		
1863	...	39	176	1	176	...	304	2480	...		
1864	...	38	178	1	176	...	458	2633	...		
1865	...	40	175	1	182	...	427	2278	...		
1866	...	39	...	1	182	...	405	1983	...		
1867	...	40	175	...	185	...	381	1882	...		
1868	...	37	...	1	183	...	544	2241	...		
1869	...	43	...	3	183	...	512	2202	...		
1870	...	44	...	2	183	1	700	2394	...		
1871	48,240	44	182	3	183	2	878	2620	...		
1872	...	44	184	3	180	1	1442	3404	...		
1873	...	44	177	3	176	1	1640	2807	...		
1874	...	42	188	4	176	1	1310	2715	...		
1875	...	43	176	3	175	1	1318	2369	...		
1876	...	42	184	3	178	...	1476	2463	...		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
...	36	4	1	...	1

DONALD SUTHERLAND,
Superintendent of Police, Burgh of Paisley,
14th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	I am of opinion that no licence should be in any shop under £30.	Previous to 1870, there was no proper record kept of crime here, the burgh being amalgamated with the county of Renfrew for police purposes. The records were kept at headquarters.
1855		
1856		
1857		
1858		
1859		
1860		
1861	7,214	9	...	...	...	...	...	...	...
1862		
1863		
1864	3	...	...	...
1865	1	...	...	...
1866		
1867		
1868	1	...	...	...
1869	2	...	...	...
1870	10,805	9	...	...	...	...	165	1062	917
1871	309	1443	1318		
1872	1	338	1638	1428		
1873	1	540	1795	1674		
1874	1 Hotel	...	423	1512	1366		
1875	37 Public houses.	...	301	1366	1178		
1876	44	...	...	...	...	...	...

RENTAL OF LICENSED GROCCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
...	1	...	7	...	...	1	...	...
...	1	...	7	...	...	1	...	...	...

JAS. SIOAN,
Supt. Burgh of Port Glasgow.
2nd Nov. 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	Remarks.
								No.	No. Drunk.		
1854	£30.	Police should have the same power to enter grocers' shops as they have to enter public-houses.
1855	3,000	6	15	...	24	1	15	51	21		
1856	...	6	15	...	24	...	17	109	50		
1857	...	6	16	...	26	...	11	87	39		
1858	...	6	16	...	26	...	9	74	41		
1859	...	6	17	...	24	...	19	118	74		
1860	3,700	6	17	...	24	...	16	105	69		
1861	...	6	17	...	24	...	28	188	77		
1862	...	6	18	...	25	...	30	173	104		
1863	...	7	18	...	24	...	29	188	124		
1864	...	7	19	...	24	...	23	151	117		
1865	...	7	19	...	24	...	25	160	112		
1866	...	7	20	...	24	2	31	170	107		
1867	...	5	20	...	24	...	24	161	93		
1868	...	4	20	...	24	...	16	144	74		
1869	5,004	3	21	...	25	...	21	169	99		
1870	...	2	22	...	25	...	22	270	164		
1871	...	2	23	...	25	1	27	328	239		
1872	...	2	26	1	25	...	25	440	289		
1873	...	2	22	1	25	...	68	428	232		
1874	...	2	25	1	25	...	54	381	257		
1875	...	2	24	1	25	...	28	288	137		
1876	...	2	24	1	25	...	28	288	137		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20. Under £30.	Over £30. Under £40.	Over £40. Under £50.	Over £50.
...	1	...	1	...	...

PETER INGLIS,
Superintendent of Renfrew Burgh.
10th December 1877

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	75,685	24	...	1	144	I do not see that rental has or can have any bearing on the question.	
1855	75,685	25	...	1	158	1	...	...	...
1856	75,685	24	...	1	156	...	...	...	...
1857	75,685	21	...	1	158	...	...	...	...
1858	75,685	22	...	1	149	...	...	...	...
1859	75,685	25	...	2	164	...	...	138	44
1860	75,685	25	...	4	146	...	...	225	81
1861	78,406	27	...	6	139	...	...	222	54
1862	78,406	23	253	7	148	...	...	240	74
1863	78,406	25	251	8	148	...	...	256	86
1864	78,406	22	248	9	139	...	9	361	127		
1865	78,406	25	245	9	149	...	9	337	92		
1866	78,406	24	286	8	142	...	3	322	106		
1867	78,406	22	300	6	133	...	3	321	117		
1868	78,406	27	303	11	139	...	2	279	78		
1869	78,406	30	309	13	135	4	7	300	110		
1870	78,406	35	358	10	140	4	8	389	156		
1871	79,853	33	360	10	135	1	21	347	159		
1872	79,853	34	292	10	131	1	9	359	107		
1873	79,853	30	296	7	130	...	19	426	129		
1874	79,853	28	302	8	124	2	16	408	178		
1875	79,853	33	297	10	124	...	24	307	139		
1876	79,853	28	284	10	130	...	19	315	145		
							21	375	162		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10, Under £20.	Over £20, Under £30.	Over £30, Under £40.	Over £40, Under £50.	Over £50.
8	10	4	3	2	1

D. MUNRO
Chief-Constable of County of Ross-shire.
29th October 1877.

Return from Chief Constables and Superintendents of Police.

Year	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
1854	...	26	...	4	68	...	...	...	...	£12 in villages and £20 in towns, for shops only.	The number of unlicensed grocers is calculated to mislead, because, although nominally grocers, only about 25 of the number are entitled to that designation—the others being small traders in villages. The return of rentals is also misleading, in respect that in nearly every instance a house and garden is included in the valuation. Licensed grocers, however, make a return of the value of premises licensed to the officers of Inland Revenue, who could furnish a correct return of the value of licensed premises. The amount of population is taken from the reports of the Government Inspector of Constabulary.
1855	...	28	...	2	60	...	...	...	...
1856	...	26	...	3	61	...	...	...	...
1857	...	27	...	4	60	...	...	...	...
1858	...	31	...	4	58	...	...	...	...
1859	...	32	...	4	58	...	...	...	...
1860	...	32	...	4	58	...	...	...	...
1861	...	33	...	4	56	...	...	...	...
1862	...	31	...	4	55	3	...	424	51		
1863	40,190	33	...	5	58	3	4	350	68		
1864	39,409	28	...	4	59	4	18	471	122		
1865	39,409	29	...	5	58	5	10	389	63		
1866	39,114	25	...	5	55	1	9	603	71		
1867	39,114	25	...	5	56	1	11	457	81		
1868	39,114	26	...	5	54	...	27	641	110		
1869	39,114	25	...	5	51	1	22	607	154		
1870	39,114	25	...	4	51	6	19	614	149		
1871	39,114	25	...	4	52	2	11	487	106		
1872	39,114	26	...	4	49	5	29	626	150		
1873	39,114	23	...	4	49	2	11	563	198		
1874	39,114	25	...	4	48	2	13	516	188		
1875	39,114	28	...	5	45	2	15	581	265		
1876	39,114	28	135	5	45	2	20	535	260		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10. Under £20.	Over £20. Under £30.	Over £30. Under £40.	Over £40. Under £53.	Over £50.
6	12	8	5	...	2

RICHARD BOULTBEE,
Chief Constable of County of Roxburgh,
2d November 1877.

Return from Chief-Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	Town in County up to 1868, when it was made a Parliamentary Burgh	...	No record kept of these, but at present there are 18 unlicensed grocers.	None.	...	...	...	...	...	£20.	
1855		...			...	...	...	...	...
1856		...			...	...	...	...	...
1857		...			...	...	...	...	...
1858		...			...	...	...	...	...
1859		...			...	...	...	...	...
1860		...			...	...	...	...	...
1861		...			...	...	...	...	...
1862		...			...	...	...	...	...
1863		...			...	...	...	...	...
1864		...			...	...	...	...	...
1865		...			...	...	...	...	...
1866		...			...	...	...	...	...
1867		...			...	...	...	...	...
1868		...			...	...	...	...	...
1869		35			27	5	67	357	198		
1870		37			25	6	177	351	225		
1871		35			22	4	154	354	214		
1872		33			22	5	236	494	296		
1873		30			22	2	145	491	246		
1874		32			20	...	165	547	259		
1875		26			18	1	236	684	358		
1876		27			19	1	234	602	365		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10. Under £20.	Over £20. Under £30.	Over £30. Under £40.	Over £40. Under £50.	Over £50.
4	17	2	1	1	2

WM. MORRISON,
Superintendent of Police of Haerick,
28th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of those who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	4,798	27	12	1	13	...	6	144	111	From £20 to £25.	The high numbers in 1854-55 were in consequence of the railway labourers who were located in the town when the construction of the railways was going on. The numbers are taken from the census for 1851, 1861, and 1871. No means of obtaining convictions of grocers previous to 1864.
1855	...	27	12	1	13	...	7	166	123		
1856	...	27	12	1	13	...	5	96	68		
1857	...	27	12	1	13	...	4	93	55		
1858	...	27	12	1	13	...	6	94	44		
1859	...	27	12	1	13	...	7	127	89		
1860	...	26	12	1	13	...	6	100	92		
1861	4,309	26	12	1	13	...	6	116	84		
1862	...	26	12	1	13	...	5	94	64		
1863	...	26	12	1	13	...	7	129	82		
1864	...	26	12	1	13	...	8	128	89		
1865	...	26	12	1	13	3	5	129	95		
1866	...	26	10	1	13	1	4	111	72		
1867	...	26	10	1	13	1	3	89	66		
1868	...	26	10	1	13	1	7	107	76		
1869	...	26	10	2	13	...	5	112	73		
1870	...	26	10	2	13	...	4	100	69		
1871	4,564	26	10	2	13	1	6	93	58		
1872	...	26	10	2	13	...	2	67	46		
1873	...	26	10	2	13	...	4	101	62		
1874	...	26	10	2	13	...	3	104	57		
1875	...	26	10	2	13	2	4	92	67		
1876	...	24	10	2	13	4	5	128	86		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
	3	10	7	1	3	
3									

JOHN MOSCRIP,
Superintendent of Police of Burgh of Kello,
24th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No.		
1854	£20 for licensed premises.	
1855		
1856		
1857		
1858		
1859		
1860	...	11	...	...	14	...	...	...	...
1861	7,499	12	...	...	13	1	...	...	...
1862	...	12	...	1	12	...	...	...	...
1863	...	12	...	1	12	...	...	...	...
1864	...	12	...	1	12	...	...	...	...
1865	...	12	...	1	12	...	...	...	...
1866	...	12	...	1	10	...	...	...	...
1867	...	12	...	1	10	...	11	158	44		
1868	...	12	...	2	10	...	17	189	69		
1869	...	13	...	2	10	...	10	221	67		
1870	...	13	...	1	10	...	18	163	60		
1871	13,323	13	...	1	10	...	22	231	95		
1872	...	13	...	2	10	...	17	219	66		
1873	...	14	...	2	10	2	29	270	141		
1874	...	14	...	2	10	1	36	330	156		
1875	...	14	...	2	10	...	17	367	160		
1876	...	14	40	2	10	...	25	376	166		
				2	10	2	21	429	175		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
1	9	2	1	...	1

RICHARD BOULTBEE,
Chief Constable of County of Selkirk,
2d November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	Remarks.
								No.	No. Drunk.		
1854	£15.	Licences have only been granted by the magistrates of Galashiels since the year 1869.
1855		
1856		
1857		
1858		
1859		
1860		
1861		
1862		
1863		
1864		
1865		
1866		
1867		
1868		
1869	...	15	...	3	9	1	21	190	68		
1870	...	18	...	2	9	...	23	232	76		
1871	9,678	22	...	3	10	...	19	222	75		
1872	...	22	...	3	9	1	22	213	89		
1873	...	20	...	3	10	3	28	266	117		
1874	...	20	...	3	10	1	30	318	97		
1875	...	19	...	3	10	1	44	355	99		
1876	14,500	20	57	6	11	1	39	439	120		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.		Over £20 Under £30.		Over £30 Under £40.		Over £40 Under £50.		Over £50.
	4	15	4	5	2	7			
4		15	4	5	2	7			

WILLIAM M'KAY,
Superintendent of Police of Galashiels.
17th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	...	61	...	3	10	£18 for the Burgh of Lerwick, and £10 for the County.	This return, so far as I am able to fill it up, refers to the whole County.
1855	...	67	...	...	10	...	...	...	...	...
1856	...	62	...	...	12	...	...	...	...	...
1857	...	65	...	...	11	...	...	...	...	...
1858	...	57	...	...	7	1	...	...	...	...
1859	...	52	...	...	7	...	...	...	...	...
1860	...	50	...	...	6	4	...	...	...	...
1861	...	41	...	...	8	...	...	...	...	...
1862	...	48	...	...	5	...	...	...	...	...
1863	...	24	...	...	6	...	...	...	...	...
1864	...	29	...	...	3	2	...	...	...	...
1865	...	26	...	2	6	2	...	...	...	...
1866	...	24	...	2	7	...	...	...	...	...
1867	...	28	...	2	7	1	...	...	...	...
1868	...	30	...	2	7	...	...	...	...	...
1869	...	37	...	2	9	1	...	...	...	...
1870	...	26	126	3	4	...	...	...	...	...
1871	31,608	26	...	3	8	1	...	...	...	...
1872	...	26	...	4	12	...	...	...	...	...
1873	...	28	...	4	10	...	...	...	...	...
1874	...	25	...	4	14	...	...	...	...	...
1875	...	39	...	3	15	...	...	...	...	...
1876	...	39	121	3	13	1	1	...	...	...

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10. Under £20.		Over £20. Under £30.		Over £30. Under £40.		Over £40. Under £50.		Over £50.
22	7		1		...		...		...

PETER URQUHART,
Chief Constable of County of Zeland,
16th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854		
1855		
1856		
1857		
1858	...	74	...	1	308	2	...	892	312		
1859	...	77	...	2	298	...	...	984	364		
1860	...	80	...	...	299	...	...	800	299		
1861	78,212	81	...	3	296	1	...	976	319		
1862	...	79	...	2	291	2	5	1111	402		
1863	...	87	...	3	266	3	71	1268	429		
1864	...	81	...	3	277	3	90	1548	511		
1865	...	82	...	3	283	2	110	1548	499		
1866	...	87	...	5	282	6	73	1659	504		
1867	...	89	...	2	285	1	35	1365	451		
1868	...	92	...	1	286	2	44	1591	546		
1869	...	95	...	3	283	2	80	1712	570		
1870	...	101	...	2	277	7	63	1453	504		
1871	83,903	101	...	2	267	2	108	1459	498		
1872	...	100	...	2	256	5	92	1559	561		
1873	...	104	...	1	257	5	90	1674	618		
1874	...	108	...	1	250	1	119	1757	704		
1875	...	105	...	5	246	1	134	1890	980		
1876	...	101	279	5	244	4	195	2074	789		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
13	49	21	7	7	4

A. CAMPBELL,
Chief Constable of County of Stirling,
25th November 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Potter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	9346	21	...	...	72	...	...	...	...	£25.	
1855	...	18	...	7	67	...	...	...	...
1856	...	21	...	7	59	...	...	...	...
1857	...	19	...	5	65	...	...	...	...
1858	...	20	...	5	57	1	...	...	...
1859	...	19	...	3	64	...	...	...	...
1860	...	22	...	9	69	1	14	402	277		
1861	13,707	21	...	8	62	...	245	347	218		
1862	...	22	...	7	60	...	195	276	228		
1863	...	22	...	5	69	...	74	406	200		
1864	...	22	...	8	72	...	43	344	146		
1865	...	30	...	7	75	2	169	416	185		
1866	...	33	...	7	75	2	202	412	192		
1867	...	31	...	8	76	1	164	595	271		
1868	...	29	...	9	78	...	174	572	304		
1869	...	32	...	9	65	1	150	500	294		
1870	...	32	...	8	70	1	40	465	189		
1871	14,279	31	...	8	70	1	28	580	314		
1872	...	32	...	9	63	...	279	704	355		
1873	...	33	...	11	65	...	328	735	493		
1874	...	35	...	9	64	...	568	417	235		
1875	...	33	...	9	59	...	625	449	190		
1876	...	34	33	10	54	...	436	544	232		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Rent £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
4	12	5	4	7	2

THOMAS FERGUSON,
Superintendent of Police of the Burgh of Stirling,
8th December 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854	25,793	2	£10, so far as the County of Sutherland is concerned.	Whole County is included in this return, the Burgh of Dornoch being entered below.
1855	...	1	...	...	48	...	...	...	...	...
1856	...	1	...	...	48	...	...	...	...	...
1857	...	1	...	...	48	...	...	...	...	...
1858	...	1	...	...	47	...	...	...	...	...
1859	...	1	...	...	47	...	...	...	...	...
1860	...	1	...	...	47	...	...	...	...	...
1861	25,246	1	...	2	47	...	...	...	...	...
1862	...	1	...	...	44	...	...	...	...	...
1863	...	1	...	...	46	...	...	...	...	...
1864	...	2	...	...	46	...	...	...	...	...
1865	...	1	...	3	44	...	...	...	...	...
1866	...	1	...	3	44	...	...	...	...	...
1867	...	1	...	3	43	...	...	...	...	...
1868	...	2	138	2	41	...	2	71	25	...	
1869	...	2	134	3	42	...	3	95	31	...	
1870	...	3	...	3	41	...	3	100	33	...	
1871	24,317	3	160	3	41	...	...	73	26	...
1872	...	2	...	4	41	...	...	52	23	...
1873	...	2	150	3	39	...	...	71	26	...
1874	...	2	154	3	40	...	3	76	26	...	
1875	...	3	165	2	37	...	3	62	19	...	
1876	...	2	...	2	34	...	6	112	54	...	
Dornoch	Incl'd above	1	3	...	2	...	Incl. above	106	50	Incl. above	

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10.		Over £20.		Over £30.		Over £40.		Over £50.
	Under £10.	Over £10.	Under £20.	Over £20.	Under £30.	Over £30.	Under £40.	Over £40.	
1	...	1	...	...	...	...	...	...	...

A. M'HARDY,
Chief Constable of County of Sutherland.
22d October 1877.

Return from Chief Constables and Superintendents of Police.

Year.	Population.	No. of Grocers Licensed.	No. of Unlicensed Grocers.	To sell Beer and Porter only.	No. of Hotel and Public-house Licences.	No. of Grocers Convicted for Breach of Certificate.	No. of Persons found Drunk and Incapable.	No. of Persons Apprehended for Crimes, and of these who were Drunk when Apprehended.		What, in your opinion, would be a fair minimum rental below which no licences should be granted, so as to secure in your locality a respectably conducted establishment?	REMARKS.
								No.	No. Drunk.		
1854		<p>I am of opinion that a spirit licence should not be granted under £20 rent, and that grocers should not hold a spirit licence. Grocery and the spirit trade should not be carried on in the same premises.</p> <p>This includes the county:</p>
1855		
1856		
1857		
1858		
1859		
1860		
1861		
1862		
1863		
1864		
1865		
1866		
1867		
1868		
1869		
1870		
1871	37,483	8	160	2	107	2	13	336	96		
1872	...	8	164	...	107	1	18	302	75		
1873	...	8	170	...	107	...	26	393	140		
1874	...	10	172	...	107	1	40	448	165		
1875	...	10	174	...	106	1	33	408	132		
1876	...	10	179	1	106	...	38	392	140		

RENTAL OF LICENSED GROCERS.

Rent Under £10.	Over £10 Under £20.	Over £20 Under £30.	Over £30 Under £40.	Over £40 Under £50.	Over £50.
2	4	1	2	1	...

C. MURPHY,
Chief Constable of Wigtownshire.
 10th November 1877.

APPENDIX C.

QUERIES SENT BY SIR ROBERT ANSTRUTHER,

AND

SPECIMEN ANSWERS THERETO.

(See Evidence, Queries 1436-1439.)

Q U E R I E S.

- | | |
|---|---|
| <p>1. What in your opinion has been the effect of the present system of selling spirits in small quantities in open vessels by Grocers in Scotland as regards the drinking habits and morals of the people; and is it or is it not advisable to continue the present system?</p> <p style="padding-left: 40px;"><i>State any facts or reasons on which your opinion is founded.</i></p> <p>2. Is the law evaded in many of the smaller and less respectable Licensed Grocers' Shops or not; and as a matter of fact in many cases, are not excisable liquors sold in these shops for consumption on, as well as off, the premises?</p> <p style="padding-left: 40px;"><i>If this be answered affirmatively, state what proportion these Shops bear to the whole Licensed Grocers' Shops within the district.</i></p> <p>3. Whether in many of the lower class of Licensed Grocers' Shops, it is or is not the case that the sale of groceries is in many cases made a pretext only for the sale of spirits, on the premises, and that to the sale of spirits the success and profits of the business is mainly owing?</p> | <p>4. Whether in your opinion an improvement might be anticipated were Licensed Grocers limited to the sale of spirits in quart bottles, corked and sealed, as in England, or even in pint bottles corked and sealed?</p> <p>5. Whether or not you think it would be desirable or expedient to shorten the existing hours for the sale of excisable liquors by Grocers?</p> <p style="padding-left: 40px;"><i>State any facts or reasons for your opinion.</i></p> <p>6. Is it within your knowledge to say whether drinking or tippling by women and young persons in Scotland is on the increase, and whether or not this is not to a great extent owing to the facilities given by Grocers' Licences for the sale of spirits in small quantities?</p> <p style="padding-left: 40px;"><i>If answer affirmative, state the class of women among whom the habit is increasing, and any facts or reasons which occur to you as being the cause of this growing evil.</i></p> <p>7. Whether there does not exist in Scotland a general opinion that the sale of spirits in shops where articles for domestic consumption are sold is objectionable.</p> |
|---|---|

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COUNTY OR BURGH. — INFORMANT.	Answer to First Query.	Answer to Second Query.	Answer to Third Query.	Answer to Fourth Query.
ABERDEEN CITY. SUPT. OF POLICE.	Where such a practice prevails it must have a bad effect, both on seller and consumer, from the manner in which it must be done to evade detection.	Yes; but from the great difficulty in detecting any infringement of the law, I have only been able to obtain 14 convictions for last year out of 276 licensed grocers.	Such is the case to a limited extent in this city.	I cannot see any, nor how this could be carried out.
AYR. CHIEF CONSTABLE.	The system gives opportunities to women and young persons to obtain spirits who would be ashamed to be seen going into a publichouse, which is taken advantage of to a deplorable extent. Much misery is caused by the encouragement and facilities given to wives of working men to obtain spirits without the knowledge of their husbands; it is known that grocers will, at request, enter under the head of some grocery goods, spirits supplied on credit. It is very desirable the present system should be discontinued.	The law is evaded in many of the licensed grocers' shops, and this evasion of the law is not confined to the smaller shops. More than half the licensed grocers' shops are suspected of selling excisable liquor for consumption on the premises, whenever they get the opportunity.	The stock of groceries in some of these shops is very small, and in many the success and profits of the business mainly depend on the sale of spirits.	Yes, very great.
AYR, BURGH. SUPT. OF POLICE.	The very worst effect. Of all licences it (the grocer's) is the most objectionable. It should never have been. Too much facility for quiet or sly drinking, especially for women getting drink, and marking it something else in their pass-books.	The law is often, I may say systematically, evaded by drinking on the premises, and not easily detected; and the proportion is comparatively the whole of them.	I would not say that the groceries are only and always a pretext for selling liquor. Nevertheless, the success and profits are much, and often mainly owing to the sale of liquor.	It would certainly be an improvement, if in quart bottles; but as to pint bottles, it would do no good.
BERWICK AND HADDINGTON. CHIEF CONSTABLE.	The sale of spirits in small quantities by grocers, to be carried to houses where it is often consumed in presence of children, shows them a bad example, which they follow when older, and habits of drinking are thus encouraged, which generally increase with age. The high rate of wages enabled the working classes to spend more money for drink, consequently a greater quantity of liquor has been consumed during the last few years, and the craving for drink has continued when wages are not so good. The sale of spirits by grocers should be restricted.	Grocers are often convicted for allowing drink to be consumed on their premises, but the law is so easily evaded that many escape detection. About one-half of the licensed grocers allow liquors to be consumed on their premises.	In three-fourths of the licensed grocers' shops in East Lothian and Berwickshire the sale of spirits is essential to their success in trade.	It would be a most decided improvement if licensed grocers are restricted to the sale of spirits in sealed quart bottles, certainly nothing less than this quantity should be sold by them.
BUTE. ROTHESAY, BURGH. MR M'GOWAN.	The system is bad, and should be done away with, for the reasons I state to question 3d.	There are 8 licensed grocers' shops in this island, and they all sell excisable liquors for consumption on the premises.	I was shop-boy in a store 20 years ago, and it was quite a common custom for the colliers' wives to ask for whisky and tell me to enter it in their pass-books as sugar, butter, or some other article. Were it not for the profit on whisky, many of these shops would not pay.	The sale in corked bottles would be a great improvement. The colliers' wives never asked less than a quart bottle, as we did not supply less, so that evil would still remain.

Answer to Fifth Query.	Answer to Sixth Query.	Answer to Seventh Query.	Remarks.	COUNTRY OR BURGH. — Informant.
I do not think it would be desirable to have shorter hours, if grocers were restricted to opening for any sale the same as the publicans. A grocer can, at present, open his premises for business on week days, provided he does not traffic in excisable liquors.	I do not think that this evil is on the increase here.	Diverse opinions are held on this subject. I do not think it is generally objectionable.		ABERDEEN, CITY. SUPT. OF POLICE.
I am not of opinion there would be much advantage in shortening the existing hours.	There is in this county a deplorable amount of tipping by women and young persons, and without doubt this is, to a very great extent, owing to the facilities given by grocers' licences for the sale of spirits in small quantities. I cannot say whether the habit is increasing, but it is, most unhappily, prevalent.	I believe there does.		AYR. CHIEF CONSTABLE.
Should open and shut with the rest of the spirit-dealers, for groceries as well as drink, in order to deter them from supplying those going to their work about 6 A.M. with their 'morning dram,' and also all the "drouthies" about the corners, before the publican dare open, and the same at night.	It is undeniable that drinking and tipping are on the increase by women and youngsters. Every locality has its peculiar kind of industry, and it is the workers of both sexes; and, as above stated, the 'grocer's morning dram' commences it, at meal times it is renewed, and often ends in their being drunk at night.	I have been in the police force for the last 36 years—35 of that in Ayrshire—and it is the general opinion here, and, so far as I know, it is the opinion all over Scotland. I cannot see how it could be done otherwise—with any one conversant with the premises.		AYR, BURGH. SUPT. OF POLICE.
I consider licensed grocers' shops should be open from 8 A.M. to 8 P.M. on all week days except Saturdays, when they should close at 10 P.M., remaining closed on Sunday.	See answer to No. 1. The women who drink most are the lower class of tradesmen and labourers' wives, but a number of women in a better position 'drink.' The habit was increased by higher wages, allowing more to be spent in drink, and it is not easy for persons who have contracted the habit to give it up.]	There is a general opinion that greater restriction should be placed on the sale of drink, with the view to check intemperance, but I do not find it directed principally against grocers.	Having for 42 years had to enforce the laws relating to the sale of drink in Scotland, I am enabled to say that mere restriction is necessary to check intemperance, but if an Act is passed directed only against grocers' shops, I decidedly think it will be but a half measure. As chief-constable of Berwickshire, I have constant opportunity of observing the working of the laws regarding drink and drinking in Northumberland and Berwick-upon-Tweed, and am of opinion that unless some, if not all, the provisions against the consumer in English Acts are not included in the next measure passed for Scotland, little good will be done.	BERWICK AND HADDINGTON. CHIEF CONSTABLE.
I do not see that any good would result from shortening the hours.	Tippling among women in this island is greatly on the increase, but how produced I am not prepared to say.	That is becoming the general opinion, in which I quite agree.		BUTE. ROTHESAY, BURGH. MR M'GOWAN.

COUNTY OR BURGH. — Informant.	Answer to First Query.	Answer to Second Query.	Answer to Third Query.	Answer to Fourth Query.
DUMFRIES, BURGH. SUFF. OF POLICE.	It is not advisable to continue the present system. Numerous facts could be stated. For example, children of all ages are sent for drink to drunken mothers, and the morals of the rising generation are demoralized to an alarming extent. The law is very defective on this point, and more injury is done to Society than the Legislature is aware of, by the facilities that are given to the young for obtaining drink, either as messengers or otherwise. j.	Yes. 4 to 1 at least.	It is the case.	I am of opinion that a great improvement might be anticipated were licensed grocers limited to a certain rental. Small grocers would evade the law in the same manner in regard to quantity as they do at present in regard to consumption.
EDINBURGH, CITY. J. BURN-MURDOCH, Esq.	I am unhesitatingly of opinion that the effect specified in Query 1 is thoroughly bad, and that the present system should be changed. Grocers' shops being available for the procuring of spirits in small quantities leads to great abuse in many ways. As one fact, I remember a servant maid of ours (a few years ago) having come home from one of these shops so drunk as to fall down at my door.	I believe the law is, and that extensively, so evaded. As to the town of Stirling, this was proved to me and others by the testimony of a gentleman of influence, who had gone through on purpose to make enquiries in the matter.	The first part of Query 3 I cannot from personal knowledge reply to. As to the second, I have spoken with many licensed grocers in Edinburgh, and they have, with one exception, said or indicated, that a great part of their profits accrued to them from the sale of spirits.	Most undoubtedly.
ELGIN OR MORAY. CHIEF CONSTABLE.	I am of opinion that it is not advisable to continue the present system. Men obtain spirits in open vessels, and come on the streets or other public places, where they stand drinking, often with a number of boys and girls watching the proceedings, and hearing the ribaldry of intoxicated persons.	Yes. One conviction for every 25 licensed houses, but the number of convictions is no criterion as to the extent that the law is evaded. Many cases are brought to trial without obtaining convictions, owing to the conflicting nature of the evidence. Yet there are strong grounds for believing that the law has been evaded.	It is the general opinion that such is the case.	I am decidedly of opinion that it would be an improvement on the present system, were licensed grocers limited to the sale of spirits in quart or pint bottles corked and sealed.
FIFE. CHIEF CONSTABLE.	This is a difficult question to answer. As a rule, I do not think grocers sell in 'open vessels,' as, however small the quantity, it is usually in bottles corked if not sealed.	I have no doubt it is. I believe that, taking all classes of grocers into account, the majority sell for consumption on the premises to parties they can trust, or in whom they have confidence that they won't inform the police.	I have no doubt that many grocers would give up their shops as unprofitable were they not licensed to sell spirits.	That I am doubtful of. In my opinion the result would be to drive the people who go at present to the grocers to buy small quantities from them to the publican, and would not lessen the actual consumption.

Answer to Fifth Query.	Answer to Sixth Query.	Answer to Seventh Query.	Remarks.	COUNTY OR BURGH. — Informant.
Respectable grocers are not in the habit of taking advantage of the hours at present allowed; and I am of opinion that small grocers should not hold a licence.	It is within my knowledge that drinking is on the increase. Workmen's wives. The outrageous number of licences that are granted.	There has been a decided and very general opinion for a number of years in Scotland that small grocers should not hold licences for the sale of excisable liquors.	If you are to have a healthy and vigorous population, they ought to be prevented, as far as possible, from taking or even tasting strong drink before they are 18 years of age. The certificates issued to innkeepers, &c., should have 18 instead of 14 years as at present.	DUMFRIES, BURGH. SUPT. OF POLICE.
I think it would be highly desirable.	Of my own knowledge I cannot speak to this query, but I have heard many credible witnesses say that drinking (from whatever cause) was upon the increase amongst young persons.	I am satisfied that a very strong opinion of this kind is now entertained.		EDINBURGH, CITY. J. BURN-MURDOCH, Esq.
I think it would be desirable to shorten the existing hours for the sale of excisable liquors by grocers; but unless their shops are shut against the sale of all goods, the law would be generally evaded.	I cannot say that drinking by women is on the increase, but it is so among young men; but this may to a great extent be owing to the high rate of wages.	So far as my experience goes, a general opinion does exist that the sale of spirits in such shops is objectionable.		ELGIN OR MORAY. CHIEF CONSTABLE.
I think that both grocers and publicans might be restricted one hour each in the evenings, with advantage both to themselves and the public; or probably, as better, 1 hour for grocers, and $\frac{1}{2}$ hour for publicans.	As to this I cannot say. I believe women go and get drink in grocers' shops when they probably would not go to a publichouse for it so readily. I refer to the class of tradesmen's wives and similarly circumstanced persons.	Not to my knowledge.		FIFE. CHIEF CONSTABLE.

COUNTY OR BURGH. Informant.	Answer to First Query.	Answer to Second Query.	Answer to Third Query.	Answer to Fourth Query.
FORFAR. CHIEF CONSTABLE.	I am of opinion that the effect has been injurious, and tending to increase private drinking and drinking habits, as it is, I think, admitted that many respectable persons, women especially, go or send to the grocer for small quantities of spirits which are consumed personally and privately who would not go or send to the public house.	It is a fact that many grocers allow the spirits to be consumed on the premises. Speaking roughly, about a third do it very frequently, another third less frequently, and only to certain customers, and probably about a third not at all, but occasionally even the best houses are not free from some back-shop drinking.	It is the case that some licensed grocers do not appear to have much of a trade except in spirits and ales, &c.	I am of opinion that it would be an improvement to limit to pint—if not to quart—bottles corked and sealed, as I think when the spirits were really required for family use, a pint bottle would not be a large quantity to provide, and it would tend to check the practice of drinking arising from getting it in gills and half-gills and even smaller quantities.
FORFAR, BURGH. SUPT. OF POLICE.	The effect has been to increase tippling and drinking, and especially amongst working men's wives. It is not advisable to continue the present system. I have known quarrels between husbands and wives, the ground of which was the wives getting credit from their grocer, and 'goods' entered into their pass-book, when in point of fact the goods got was whisky. There are tipplers who go to grocers' shops who would not be seen entering a public-house—the apparent reason being they do not wish their neighbours to know they tiddle.	Yes. Total number 1876-7, 17; of these, 2 do not evade the law. In 1877-8, total number, 20. There were 8 additional licences granted in April last, which only came in force at Whitsunday. I have not had experience of these three; but I am certain they cannot exist unless they do as the majority of their neighbours do—evade the law.	Yes; and the better class of shops, too.	I am of opinion an improvement may reasonably be expected. I am quite certain, however, that a number of those licensed here would break the seals and go on as they are doing, as they could not live for want of trade. There are too many licences here. There is a licensed house for every 162 of the population. That is including inns, public-houses, and grocers.
ARBROATH, BURGH. SUPT. OF POLICE.	As regards grocers' shops in towns, I consider the present system most pernicious, as great numbers of women and young children are brought into contact with intoxicating drink in grocers' that would never think of it had they to go to a public-house for it. This is my experience of 26 years as a police officer, first as a constable, 10 years as a detective, and is so still.	Yes. We have 49 grocers licensed, and out of that number there are not more than 6 who do not consume on the premises.	I presume so, as few or none of these shops succeed without a licence.	Certainly.
ORKNEY. SUPT. OF POLICE.	The present system often enables females possessed of but little money to obtain spirits when otherwise they could not. It would be desirable to shorten the hours for selling, as generally spirits are sold under the pretence of other goods.	The law is generally evaded in grocers' shops, especially when not under strict police supervision. The whole shops within this county and burgh, more or less have the same tendency to evade the law, and in particular in country districts.	In many cases the sale of groceries is made a pretext for the sale of spirits, especially in late houses, so that in many instances the success of the grocery business depends on the spirit trade.	It would be an improvement were grocers restricted to the sale of spirits in quart bottles only.
RENFREW. PAISLEY. SUPT. OF POLICE.	I have had no complaints about grocers selling spirits in small quantities in open vessels, but often heard that women get spirits, and have the same entered as goods in pass-books.	We generally in Paisley have 1 or 2 convictions against grocers during the year for selling spirits consumed on the premises.	In low rented shops I believe that if it were not for the sale of drink they could not make a livelihood.	If parties want drink, they will have it, one way or the other.

Answer to Fifth Query.	Answer to Sixth Query.	Answer to Seventh Query.	Remarks.	COUNTY OR BURGH. — Informant.
I am of opinion it would be, but only if the public-houses were also dealt with in the same way. It is only on Saturday nights that grocers keep open the full time, and in Broughty Ferry, where the licensing court restricted the hour for closing of public-houses to 10 P.M., the grocers, although not so restricted, closed their places at same hour for the year the regulation was in operation.	I cannot answer this affirmatively. I believe there is an increase of drinking following on the increase of wages in all trades and employments, and there is some increase in domestic drinking, probably owing to the small quantities to be got from grocers, but I do not know that the increase in domestic is greater in proportion than the increase in general drinking.	There does exist an opinion that the sale of spirits in grocers' shops is objectionable, founded to some extent on the belief that spirits are often entered as groceries, which, in the case of the least respectable grocers, may be true; but my experience does not justify me in saying that this is done to much extent in country districts.		FORFAR. CHIEF CONSTABLE.
Yes. Because 15 hours a day is too long for the grocer and his assistants to work, and because public convenience does not require them so long.	Yes. Yes, to a considerable extent amongst married women and factory operatives. The cause of the former is facilities given by grocers and high wages, and the latter by confinement in factories, which creates a morbidness, I think, or thirst for stimulants; also high wages, and the evil example of their parents and elder associates.	Yes.	There should only be 2 classes of certificates to deal in spirits and other excisable liquors, viz., 1, inns and hotels; and, 2, spirit-dealers; the former to be bound to have cooked food as well as other refreshments for travellers and the public, and 6 bedrooms over and above the accommodation needed for the innkeeper himself, the maximum number of inns, &c., to be restricted to 1 in every 500 of the population. The latter (spirit-dealers) to be limited to the sale of spirits, porter, and ales, in gallons, quarts, or pints, in bottles or barrels or casks, corked and sealed. The maximum number of spirit-dealers to be restricted to 1 to every 500 of the population of the district.	FORFAR, BURGH. SUPT. OF POLICE.
I have doubts of this. Great inconvenience would arise from the want of real groceries and provisions, and it would be quite impossible to keep open for that purpose without selling drink so long as the door of the shop is open.		Yes; and I am satisfied that is the proper remedy in towns and populous places: viz., to separate the drink entirely from that trade.		ARBROATH, BURGH. SUPT. OF POLICE.
To shorten the hours for the sale of spirits would prevent parties from obtaining drink from grocers when refused by innkeepers after 11 p.m.	I cannot say from my own knowledge, so far as I have known this district, whether drinking is on the increase or not, but I believe that generally in Scotland such is the case.	It is not considered in this county to be objectionable to sell spirits in shops where articles for domestic consumption are sold, because the public believe that grocers supply better spirits than inns and hotels generally do.		ORKNEY. SUPT. OF POLICE.
It would.	It may be with women but not young persons.	In large respectable licensed grocers' shops, I do not think there are objections.		RENFREW. PAISLEY, BURGH. SUPT. OF POLICE.

COUNTY OR BURGH. — Informant.	Answer to First Query.	Answer to Second Query.	Answer to Third Query.	Answer to Fourth Query.
RENFREW—<i>contd.</i> PORT-GLASGOW, BURGH. SUPT. OF POLICE.	<p>In my opinion the present system of selling spirits in small quantities in open vessels has had a pernicious effect on the drinking habits and morals of the people, and I am of opinion that it is not advisable to continue the present system. I base my opinion upon facts which have come under my notice as superintendent of police. For instance I may state that I have a number of men under my charge in the cleansing department of this town, and whenever these men got their goods out of a licensed grocer's shop, it was found that their pay could not keep them, and upon investigation I found that the reason why their account to the grocer was so high was that spirits had been got to a very large extent, either by themselves or by their wives, and marked as goods; and so far had the matter gone with these men that I had to prevent them from dealing with licensed grocers altogether. It has also come under my notice that workmen's wives are in the habit of getting spirits from their grocer, and having the same marked in their pass-book as cash.</p>	<p>There are 9 licensed grocers within the burgh of Port-Glasgow, and in my opinion the law has been evaded in almost the whole of their premises, although convictions have only been got against 6 of the parties for the sale of liquors for consumption on their premises.</p> <p>NOTE.—3 of those parties have since ceased to hold certificates, so that only 3 out of the present 9 licensed grocers have been convicted.</p>	<p>It is a fact that the sale of groceries in some of the lower class of licensed grocers' shops, is a pretext only for the sale of spirits, and that to the sale of spirits the success and profits is mainly owing.</p>	<p>In my opinion an improvement might be anticipated were licensed grocers limited to the sale of spirits in quart bottles, corked and sealed. It is my decided opinion that licensed grocers should not be allowed to sell in quantities less than a quart.</p>
ROXBURGH AND SELKIRK. GALASHIELS, BURGH. SUPT. OF POLICE.	<p>The present system of selling drink in small quantities in open vessels in grocers' shops has encouraged drinking amongst married women. What can be worse than a mother sending a small child in this way? I have known many instances of drunken mothers doing so. To my mind the present system ought not to continue.</p>	<p>It is a fact that the law is daily evaded in many of the less respectable licensed grocers' shops by selling excisable to be consumed on the premises.</p> <p>The proportion of such shops to the whole licensed grocers in this burgh is about one-fourth.</p>	<p>In many of the lower class of grocers' shops scarcely any groceries are kept on the premises, and the business done in such shops almost entirely depends upon the sale of spirits.</p>	<p>In my opinion a great improvement might be anticipated were licensed grocers limited to sell even in pint bottles, corked and sealed.</p>
MR THOMAS MESSER.	<p>I believe that the effect of the present system has been that the wives of working men especially have often acquired intemperate habits, from the facility with which spirits can be got from grocers. I have seen it in a locality where a grocer's licence has been granted where one did not previously exist.</p>	<p>The law is evaded in many of the shops; liquors are consumed on the premises in I believe fully <i>one-half</i> of all the licensed grocers' shops in the district.</p>	<p>In one or two of the licensed grocers' shops this is the case, the sale of groceries being a mere trifle, the owners themselves having been known to say that, but for the sale of spirits, their business would not be worth having.</p>	<p>I think this limitation would be an improvement.</p>

Answer to Fifth Query.	Answer to Sixth Query.	Answer to Seventh Query.	Remarks.	COUNTY OR BURGH. Informant.
I am of opinion that it would be desirable to shorten the existing hours for the sale of excisable liquors by grocers, for this reason, that where these premises can be kept open as at present to 11 o'clock at night, a temptation is held out to a number of working men who are dealing with the grocer to step into his shop and consume excisable liquors on the premises. I may state as a significant fact, that the last 3 convictions had against licensed grocers in this place were on account of parties being found consuming excisable liquors on the premises after 8 o'clock in the evening.	It is not within my personal knowledge that drinking by women and young persons is on the increase.	I believe that it is the general opinion that the sale of spirits in shops where articles of domestic consumption are sold is objectionable.		RENFREW— <i>Contd.</i> PORT-GLASGOW, BURGH. SUPT. OF POLICE.
In my opinion the existing hours might be shortened with advantage to communities, but so long as public-houses are allowed to keep open to a late hour, I cannot see what good would be effected by such a change.	I am not prepared to say what is the actual state of Scotland in reference to this matter. I can only say that if any increase has taken place in this burgh it is not a large one. The class of women among whom this habit may be said to exist most, is working men's wives.)	I am aware that a large portion of the public think that the sale of spirits ought not to be carried on in the same premises as those used for the sale of articles for domestic purposes.		ROXBURGH AND SELIKRK. GALASHIELS, BURGH. SUPT. OF POLICE.
In this locality the licensed grocers do not keep very late hours except on Saturday, when I think they ought to be restricted to 10 o'clock.	To my certain knowledge, such is the case, and the grocers' licences are mainly the cause of it. I know personally several wives of working men, hitherto strictly sober, lately have been acquiring tippling habits, and are, I fear, going very fast.	There is a growing opinion in this direction, and though shortening the hours and limiting the sale to sealed bottles would do some good, I believe the great body of the people would be glad to have them abolished altogether.		MR THOMAS MESSER.

COUNTY OR BURGH. — Informant.	Answer to First Query.	Answer to Second Query.	Answer to Third Query.	Answer to Fourth Query.
STIRLING. CHIEF CONSTABLE.	My opinion is that the present system has little effect upon the habits and morals of the people as affording facilities for obtaining drink, and were it put a stop to the same facilities would be afforded by public-houses.	There is no doubt that the law is frequently evaded, and excisable liquors are often allowed to be consumed on the premises. It is difficult to state accurately the proportion of shops who thus break the law, but would state it generally at about one-sixth of the whole.	It is not the case in many instances, although undoubtedly it is the case in some.	I do not think any agreeable improvement might be expected from the changes here indicated. They would only have the effect of sending to the public-houses the persons who are at present supplied by licensed grocers.
STIRLING BURGH. SUPT. OF POLICE.	In my opinion, the present system of selling spirits in small quantities in open vessels by grocers has a demoralizing effect among the poorer classes, and ought to be discontinued, or some other system adopted. Drink is often got in grocers' shops by people who would never think of going to a publican's for it. It is also got by women and put into the grocer's book as groceries, to deceive the husband.	The law is evaded by every small grocer. Grocers are often watched by the police, and fined for allowing drink to be consumed on the premises. The proportion of such shops to the whole licensed grocers in this burgh is about 10 per cent.	Many of the smaller grocers' businesses would not pay if they had not a licence to sell drink on the premises, and to the sale of spirits the success of the business is mainly owing.	In my opinion it would be a great improvement were licensed grocers limited to the sale of quart or even pint bottles, and such a system would be a benefit to the working population of Scotland.

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Answer to Fifth Query.	Answer to Sixth Query.	Answer to Seventh Query.	Remarks.	COUNTY OR BURGH. — Informant.
Same answer as No. 4.	I do not think drinking or tippling by women or young persons is on the increase in Scotland, or at all events in this county, to which alone my information extends.	I am unable to answer this question.		STIRLING. CHIEF CONSTABLE.
I do not think that any alteration on the existing hours would make any material difference as to the sale or consumption in such places.	Drinking by women is steadily on the increase, and this is to a great extent owing to the facilities given by the grocers selling spirits. This increase is among the poorer of the working class, who get their provisions from small grocers, and pay their bill fortnightly. It is within my knowledge that such people often get spirits marked for groceries in their pass-books.	I think the general opinion is that the present system is objectionable.		STIRLING, BURGH. SUPT. OF POLICE.

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(1.)

Tayport, 9th October 1877.

W. J. Mure, Esq.,
12 Ainslie Place, Edinburgh.

SIR,—Having taken considerable interest in the licensing question for some years past, I should be very glad to cite my experience of the working of grocers' licences.

I am a licensed grocer in a small country town, and have observed the effects of these licences under these circumstances. In my opinion the working of the Act in the country offers considerable differences from that in populous places, and in my opinion, while grocers' licences might be abolished without any great hardship perhaps to the inhabitants of a populous place like Edinburgh, they could not be so in a small country town or village, as in a large town there are always three distinct descriptions of licences—the wholesale spirit-dealer, the licensed grocer, and the publican; the first mentioned are in general so plentiful that no great hardship would accrue to the respectable working classes, who object to going to a publichouse, as they could get supplied in any quantity from the wholesale merchant; but they could not do so in a small country town, where there is no wholesale merchant, but where the licensed grocer supplies his place.

The working man cannot afford to buy by the gallon, or even by the bottle, but goes for his liquor to his grocer, with whom he has dealt possibly for years, and in whom it is presumable to suppose he has every confidence in supplying him with a comparatively pure and unadulterated article; besides a very common idea prevails among the poorer classes, that they get a better article from a grocer than from a publichouse. Besides, by abolishing grocers' licences in country districts, it seems to create an invidious distinction between the rich and poor, and that, in so far as the former have no restrictions as to the means of procuring a supply of liquor, the poor man is practically shut up to get his from one source only.

In regard to the allegation that grocers' licences encourage habits of intemperance among women and young persons, I don't think they are worse sinners in that respect than the publicans; they don't invite, ask, or insist on their customers to take drink; indeed, I think the interest of a respectable grocer would be to keep their customers temperate, for he does not depend entirely on the sale of drink for a living, and he knows that a drunkard will not be a good customer.

It does not seem to me fair to open this question on the unauthorised assumption that grocers' licences are altogether evil, and must accordingly be abolished, for I think it is a matter very greatly of proof.

Let the sheriffs, magistrates, superintendents of police, and their subordinates be asked where the criminals apprehended under the influence, or in consequence of the abuse, of intoxicating drink, were supplied with it, then let these licences be abolished as a class which are proved to give the greatest facilities for intoxication, and, in consequence, crime.

Practically, this is the utmost a free government can do to mitigate the acknowledged evils of intemperance, for no government can make its subjects either moral or sober by Act of Parliament, and may palliate, but can never eradicate the evil.

I think it might be well worth the consideration of Government, in order to raise the character of those engaged in the trade, to let the licences of each district to the highest bidders, and let the first conviction deprive the holder of his licence.

The licensed grocer has been accused of selling drink on the premises, but seeing that the law, by the inequality of the licences, puts a great inducement in his way for doing so, I think it hardly fair to censure him so severely, as he feels there can be no moral guilt in doing what another man is allowed to do with impunity, under very similar circumstances; as, while the publican is allowed to sell liquor either on or out of the premises, the licensed grocer, who pays the same licence as the former, is restricted to sell drink not to be consumed on the premises. If the publican were restricted to selling on the premises, with the same amount of licence as the grocer, the latter would be put on his honour to obey the law, and would have every inducement to do so; whereas, as it at present stands, he has every inducement to break the law, if so inclined.—I remain, Sir, your obedient servant,

JOHN D. WHITE.

(2.)

Aberdeen, 5 Dee Place, 3d Nov. 1877.

DEAR SIR,—I have been a minister in Aberdeen for thirty-seven years, and have practised and inculcated abstinence from intoxicating drink for forty-five years. I claim to have been among the first who publicly condemned the connection of the business of the grocer with that of

the spirit-dealer, and consequently feel much interest in the Royal Commission on this subject.

I was led to see the injustice of the union to which I have referred in consequence of one of my elders and one of my deacons, who were grocers, but who conscientiously refused to take licences, assuring me of their difficulty in making a livelihood by selling groceries and provisions alone; because, when many of their customers found that they could not get spirits along with their groceries, they went to the licensed grocers. This, however, was not the only disadvantage under which they laboured; for the licensed grocer sold some articles, notably sugar, at or below prime cost, so that the unlicensed grocer, in giving the same quality at the same price, had no profit. By these means the licensed grocer drew customers around him to the prejudice of his unlicensed neighbour.

I believe that women get spirits at the licensed grocers' who would not go into a mere spirit-shop.

I have reason to believe that spirits are entered in pass-books as *sundries*, so that the purchase of drink may be concealed.

I am of opinion that selling drink in sealed bottles would be the means of taking more drink into the house at once than is done under the present system; for I have been told, by an eye-witness, that a woman had been seen going into a grocer's shop half-a-dozen times in a day for a small supply of drink; whereas, had she been obliged to take it all at once, the probability is that she would have swallowed it all at once, and so rendered herself useless.

I have been assured that some licensed grocers say that, were it not for the drink, they might shut shop.

I believe that some licensed grocers long to be relieved from a part of their business that they feel to be inconsistent with their Christian profession, and continue it only in self-defence.

I believe that many customers would be glad that such temptations were swept out of the way. I found this belief on the fact that the inhabitants of East North Street readily signed a petition I once got up for the suppression of a spirit-shop in that locality.

Holding my principles, I should decidedly recommend shortening the hours during which all these houses are open; the lengthening of the hours on Saturday night is the best means of more effectually unfitting men for the duties of the Lord's Day.

Of the two office-bearers to whom I have referred, I may state that the elder is dead, and that the deacon now occupies a station that requires both intelligence and activity, at a distance from Aberdeen, so that it was not from want of these qualities that he was not successful as a grocer.

If anything I have stated can be of service to forward the investigations of the Royal Commission, I shall be ready to appear and repeat my evidence; if not, I may state that the opinion of all with whom I have intercourse is that the licence should be denied to grocers, and that the granting of it is a powerful means of promoting and maintaining secret and domestic tippling.—I have the honour to be, dear Sir, yours respectfully,

JOHN LONGMUIR, A.M., LL.D.

To the Clerk of the Royal Commission, &c., &c.

(3.)—For Evidence, See Q. 6674.

Shippard, Dundee, 6th Oct., 1877.

To the Hon. Chairman of
Government Commissioners, Edinburgh.

I notice by the papers that you are met for the purpose of inquiring into the grocers' licences. I wish to draw your attention to the enclosed account of Mr. ———, grocer and spirit-merchant, and contracted by my wife (who, I am sorry to, is addicted to drink). It shows quite clearly the facilities given to women in their husbands' absence. You will notice the word *aqua* appearing in the account. Mr. Peddie told me when I asked for an explanation of the word that it meant a kind of liquor (intoxicating), either whisky, rum, brandy, or any kind he was licensed to sell. As I have the account to pay, would you kindly return it to the above address. Hoping this little item may assist you in your rightful cause, I am your humble and obedient servant,

JOHN DICKSON, labourer,
Ship Yard, Dundee.

Mrs ———

Bought of ———, Family Grocer,
Tea, Wine, and Spirit Merchant.

1877.

August 4.—Balance on account	£2 19 7½
Loaves 1½, beef 1½, sugar 8d., tea 8d.	4 0
Butter 1½, aqua 1½, ham 8d., aqua 8d.	3 11

1877.	Brought forward,	£3 7 6½
August 4.—Starch 1d., corn flour 1½, loaves 1/3		1 4½
Syrup 4½d., pepper 1d., ham 10d., loaf 7d.		1 10½
Loaf 4d., matches 1d., syrup 2½d.		0 7½
Mustard		0 1
" 20.—Loaves 1½, eggs 6d., syrup 2½d., loaves 1/2		3 0½
Aqua 8d., eggs 6d., beef 4½d.		1 6½
" 21.—Loaves 1/9, butter 7d.		2 4
" 22.—Loaves 1/2, tea 4d., sugar 4d., syrup 2½d.		2 0½
Meal 3½d., aqua 4d., beef 4½d., loaf 7d.		1 7
Aqua 4d., beef 4½d., aqua 4d., beef 9d.		1 9½
Two loaves 1/2, aqua 4d.		1 6
" 23.—Loaf 7d., butter 7d., syrup 2½d., aqua 4d.		1 8½
Loaves 1½, sago 4d., tea 4d., bacon 8d.		2 6
Aqua 9d. 24.—Loaves 1/2, bloaters, 3d.		2 2
" 24.—Loaves 1/2, syrup 2½d., aqua 4d.		1 8½
Pot jam 3½d., bloaters 1d.		0 4½
		£4 13 9½
" 25.—By cash		1 4 0
		£3 9 9½

(4).—For Evidence, See Q. 3945, 3979.

Rosebank, Maryhill, 22d October 1877.

SIR,—With reference to the evidence given by me on Friday last as the Provost of the burgh of Maryhill before the Royal Commission on Grocers' Licences, I desire to correct an error which I fell into on the spur of the moment.

I observe from the newspapers that I then stated that the magistrates were content with the influence which they possessed in the licensing courts. This is not so. They have been from the origin of the burgh most desirous of securing absolute control over the licensing of publichouses, and over offences committed against the certificate. They consider that the magistrates of a burgh are the best judges of the localities within their bounds where licences ought to be granted, and of the persons who ought to be entrusted with them. It is notorious that a very large proportion of the police crime in any burgh emanates from the frequenters of publichouses, and as it is the magistrates' duty to suppress and punish crime, it surely follows that they ought to be entrusted with the control of those houses which mainly contribute to it. If the power of granting licences should not be absolutely vested in the magistrates of burghs they ought certainly to have the power of vetoing the granting of any licence within their bounds by a court sitting at a distance, and composed of justices not one of whom may be resident within its boundaries.

The magistrates are and have all along been very strongly of opinion that they ought to have the sole power of prosecuting all offences committed by licence-holders against the terms of their certificates. At present the magistrates are authorised to prosecute offences committed by unlicensed persons, but not offences committed against a certificate. For such an offence to be prosecuted it is necessary to cite the accused licence-holder before the justices, who sit in court in the city of Glasgow. The accused party, along with all witnesses for the prosecution and exculpation, must also attend there, and if other business requires it the case may be continued till a future day, and in this way one, if not two, days are lost by the accused party and the witnesses cited. And as in such cases the police superintendent and a number of his constables are generally required to give evidence, it follows that their duties are for the time neglected, and their beats within the burgh are without protection. It is obvious that these are consequences which ought not to be the result of any legalised system, and that whatever is necessary to remove them ought to have the favourable consideration of the Commissioners.—I am, your obedient servant,

JAMES ROBERTSON.

W. J. Mure, Esq., advocate.

(5.)

The Gart, Callander,
5th October 1877.

DEAR SIR JAMES,—I venture, as promised, to trouble you with my views—annexed—on the greatest curse with which our highly-favoured country is afflicted.

If your Commission be enabled to remove—or will restrict in a great degree—this crying evil, you will merit the deep gratitude of your fellowmen all over the world.—Yours very truly,

DAN. AINSLIE,

One of the Licensing Committee for the
County of the City of Edinburgh.

The Right Honourable

Sir James Fergusson, Bart.,
Royal Commission on Grocers' Licences,
31 Queen Street, Edinburgh.

Remarks on Intemperance.

This subject has long had my anxious attention; and although I do not speak with the authority of an eye-witness, the suggestions I venture to make are founded upon information I have received from trustworthy sources, and I believe may be as fully relied on, as if obtained from personal observations.

Legislation never can cure this vice,—a heart right with God alone can; still a knowledge of the chief causes of the evil may help to diminish the curse under which we now so heavily groan. I venture, therefore, to note my ideas thereon.

I. Believing that "temptations tempt," I would reduce the number of places where intoxicating liquors can easily be procured, thereby lessening the facilities for obtaining drink. At present drink is supplied early and late, and in any quantities,—

- (1.) At inns or publichouses;
- (2.) At grocers' shops; and,
- (3.) At shebeens.

The number of these I would entirely reduce; and

II. In addition to existing restrictions I suggest (1) that liquor be not supplied at inns or publichouses to outside customers before 8 A.M. or after 8 P.M.; within these hours (when the working man should be at home) the chief evil is done; and (2) that the publican should, if possible, be made responsible (in part at least) for the mischief occasioned by an inebriate, who can be proved to have got his last supply of drink at the publican's house. Grocers should, in addition to present restrictions, be prohibited from selling spirits (1) in a less quantity than one quart, and that in sealed bottles—this I think of much consequence. (2) On a first offence against any of the licence regulations, parties should be heavily fined. Forfeiture of licences should be the penalty of a second breach thereof. Local influence is so constantly brought to bear on J.P.'s that unless these penalties are unalterable, they will surely and speedily become a dead letter. (3) Back-doors, in places where spirits are permitted to be sold, should in every case be prohibited. (4) The Act* lately obtained by the Greenock authorities, enabling them to punish parties committed for drunkenness by a fine of 40s. or twenty days' imprisonment for each offence (instead of 5s. fine, or twelve hours' confinement) ought, I think, to be universally applied.

III. Shebeening.—Fine the landlord heavily on the first, more heavily on a second offence, and on a third shut up the house for three years. Imprison the shebeener for six months without alternative of fine. It is well known that the police are constantly bribed to wink at drinking irregularities; make such connivance a very grave offence, to be heavily punished.

IV. The power of granting licences for the sale of drink should be entirely removed from the magistrates, and from others whose appointments are in any way dependent on public election, and should be placed in the hands of an independent committee. Let the magistrates have a veto on every licence granted. This would have the effect of lessening the number of licences, a thing most desirable; and would at the same time obviate the evil of leaving the grantor of the licence in any degree under the influence of the party to whom such licence is given. The power now possessed by spirit-dealers over all elections, as is well known, is enormous, and greatly to be deprecated.

DAN. AINSLIE.

The Gart, Callander,
4th October 1877.

* See Sheriff Hugh Barclay's enclosed letter of this date, on this Greenock Act, just received.

(5a).—For Evidence, see Q. 6353.

Court House, Perth,
4th October 1877.

MY DEAR SIR,—I have your letter of yesterday's date with alip from a newspaper.

Our old Scotch statutes had a pecuniary fine for drunkenness, *per se*, with a sliding scale from the peer to the peasant; but these statutes have become obsolete. The English had always statutes with punishments for being 'drunk and incapable.' But in Scotland, unless drink caused a breach

3 Q

of peace, which was generally the case, then there was no offence, even there was helpless incapability. The Act 1862 first introduced the penalty for 'being drunk and 'incapable' (section 23). The penalty was 10s. originally, but the Lords reduced it to 5s., as in England. The clause in Scotland is a dead letter, because before the man can, at the instance of the fiscal, be brought before a magistrate, the 24 hours are over, and even though he be brought instantly to court, the punishment is only to let the man become sober to renew his debauch. Better make it 30 days, to teach him a lesson of sobriety, or, better still, bail or deposit that he never will be found drunk again. Greenock has got a private Police Act; we should have a general statute.

I wish I had known of Mr Lennie's motion at the county meeting on Tuesday. I could have given him some important facts to prove that the whisky of the poor is shamefully adulterated with ingredients to cause total oblivion, and for twopence a man can purchase total insensibility.—
Yours ever truly,
Daniel Ainslie, Esquire.

HUGH BARCLAY.

(6.)

Linlithgow, 9th October 1877.

SIR,—I am sorry that my continued absence from home has prevented my sooner replying to your second letter. I fear that I will be unable to attend before the Commissioners on Friday first.

Since I wrote you, however, I have been reading the evidence already led, as reported in the public prints, and I do not know if I could say anything that would assist the Commissioners in framing their Report. Where there has been so much stated upon mere hearsay and report, I might add what I learn from the police reports and otherwise. But I have very few opportunities of observing what goes on in the shops of the licensed grocers, and could adduce very few facts worth mentioning.

I may say, however, that for a certain class of society who are not sufficiently wealthy to keep a cellar of their own, or to purchase from a wine-merchant properly so called, grocers' licences are found very convenient. A female servant can be sent to such places while she would decline to go to a publichouse, and her master and mistress would share her feelings. By the lower classes, or at least by the lowest classes of working men and their wives, advantage is taken of the grocers' licences, and undoubtedly much harm is done. I incline at present to think that the present law allowing grocers' licences should not be repealed, but that the licensing magistrates should be exhorted to use much more discrimination in dealing with the applications. It is plain that what might be a reasonable number of grocers' licences per 1000 in the New Town of Edinburgh would be an unmitigated evil in some of the large mining villages in this country. Indeed, I doubt whether there should be any licensed grocers in a place where there is a large proportion of miners, and I would certainly refuse to license a store kept directly or indirectly with any large works. Further, there should be a statutory prohibition against licensing publichouses or grocers' shops which have any internal communication with a dwelling-house, or which can be opened in any way but from the public street.

I know that miners' wives have no scruple in frequenting publichouses, sometimes with and sometimes without their husbands, and I have great reason for suspecting that they often get liquors from grocers (usually whisky) and cause it to be entered in the pass-book as "goods." Some of the Sheriff-Substitutes who hold Small Debt Courts in the mining districts could speak to these points with authority.

I observe that some suggestions are made as to a fixed rental for grocers. There can be no sum fixed by statute which would not either press too lightly on places in town or too heavily on country grocers. I would suggest, however, that there should be no power to commute any penalties, and that on a second conviction the punishment should be imprisonment only.

There is so much canvassing of county magistrates that I would not be surprised that the Sheriff Principal or the Sheriff-Substitute would find themselves able to dispose of publicans' licences in a more satisfactory way than the Justices of the Peace do at present.—I am your most obedt. servant,
W. J. Mure, Esq., &c., &c.

W. H. HENDERSON.

(7.)

66 Grassmarket,
Edinburgh, October 12, 1877.

Mr W. J. Mure.

DEAR SIR,—I have yours of yesterday's date, and find it impossible to attend to-day as requested. But I under-

stand my neighbour, Mr J. W. Robertson, 25 Forrest Road, is to appear, and as my views exactly correspond with his, I therefore think it unnecessary to take up the time of the Commission. I may just say that I have a large retail business, and my customers never expect to be treated when paying their accounts.

Personally, I would prefer a pint bottle to be the smallest quantity sold, but it would not lessen drunkenness. I have been twenty-three years a grocer, and have only been asked once or twice to mark goods for whisky. I have it (of course only from hearsay) that there is a good deal of back-shop drinking principally allowed by those not bred to the trade. Rather than place any further restrictions on the trade, I would say separate the two trades; the spirit-trade would be then much easier dealt with. But for the licence many now in the trade, *not bred to it*, would not be in it. Trusting you will excuse me appearing personally.—I am yours respectfully,
JAMES DICK.

P.S.—This may be read publicly.

J. D.

(8.)—See Report, par. 66, Recommendation 16.

To the Secretary,

Royal Commission, Dundee.

It is respectfully suggested that it would be well if every person who holds a licence from the magistrates for the sale of liquors, were required to have over every entrance door of their licensed premises, a signboard painted in bold black letters on a white ground shewing the name in full, and such other words as would fully express the trade allowed to be carried on, thus:—John Brown, licensed to retail beer, spirits and wine *not* to be drunk on the premises, or as the case might be. At present there is no distinction in the signs in Dundee; some grocers' windows are exactly got up in the style of the dram-shop, and many people are ignorant of what sort of licence is held by the shopkeeper. The requirement would, in the writer's opinion, be a wholesome check on the trader.

(9.)

There should be a penalty against those who have not their *padlock* on the door at least thirty minutes after the closing hour.

* Grocers who have their house at the back of their shops have a great advantage over those who have not, as if any persons are seen issuing from the latter (after the closing hour) they are at once set down as people evading the law, whereas those people going in and out of the grocer, who has the house (after the closing hour) are said to be members of the household, lodgers, or friends visiting such, but who are nothing of the kind.

There should be no backroom or dwelling-houses; let there be only the shop above and cellars below. As regards keeping the stock of spirits, &c., in the cellar, it would never do; we would require, for instance—

a lot of vials with	$\frac{1}{2}$ a gill at	.	.	.	2½d.
"	"	1 gill at	.	.	5d.
"	"	1½ gill at	.	.	7½d.
"	"	2 "	.	.	10d.
"	"	$\frac{1}{2}$ gill at	.	.	3d.
"	"	1 "	.	.	6d.
"	"	1½ gill at	.	.	9d.
"	"	2 "	.	.	1s.
"	"	$\frac{1}{2}$ gill at	.	.	3½d.
"	"	1 "	.	.	7d.
"	"	1½ "	.	.	10½d.
"	"	2 "	.	.	1s. 2d.
"	"	$\frac{1}{2}$ gill at	.	.	4d.
"	"	1 "	.	.	8d.
"	"	1½ gill at	.	.	1s.
"	"	2 "	.	.	1s. 4d.

Another remark is that those who come for small quantity have generally favourite bottles for the whisky to be put in, same as favourite tea-pots, as generally the bottles used for $\frac{1}{2}$ gill, 1 gill, and 1½ gills are those which formerly contained sauces, ketchup, coffee, and medicine, because they are cheapest, being second hand, and costing 6d. per dozen or ½d. each.

The small shops with the house at the back, and who do a dram trade, do not go to the cask in the front shop for the whisky, but have a quart or a pint in the back premises ready for nips.

So that taking the casks to the cellar or the back shop would make it all the handier for those who evade the law, as it is not in the front shop but in the back where it is consumed, as less liable to be noticed.

(10.)

10 Belford Terrace, Edinburgh,
12th October 1877.W. J. Mure, Esq., Secretary to the Royal
Commission on Grocers' Licences.

SIR,—Having dealt for some years with a grocer in the neighbourhood of Fountain Bridge, I had frequent opportunities of observing the sale of whisky in small quantities to young children. Many of those supplied were scantily clothed poor like creatures, and appeared sadly in want of clothing and food. What I particularly wish to bring under the notice of the Commissioners is that the children were tempted to return on a similar errand by receiving a few lozenges along with their purchase. I deprecated the purchase of liquor by such to the grocer himself, and his reply was, "that he did not much like it, but if he did not supply them another would," or words to that effect.

I cannot offer, from personal observation, any information regarding liquor consumed on grocers' premises, but it appears to me that there is a very widespread belief that such is the case.—I remain, Sir, your obedient servant,

J. M. STEWART.

(11.)

Edinburgh, 18 West Nicolson Street,
October 12, 1877.

SIR,—Having taken notice of a few of the suggestions given by witnesses before the Commission of which you are the honoured Chairman, I am compelled to offer a few which are, I think, calculated to check drunkenness. If I had time at my disposal, which unfortunately I have not, being but a working man, I would have come personally; but to suit circumstances I beg to write what I may have to say on the question under consideration.

I have been formerly for many years connected with the grocery business (licensed and otherwise), and also in the publican business as well, but left them on conscientious grounds, after many years devoted study of both sides of the question. Hoping that the following suggestions may be worthy of your consideration, I humbly submit them to you and your committee assembled.

1st. Separate the grocery, wine, spirit, and beer business entirely, so as to prevent exciseable liquors from being got in name of goods.

2d. Put a tax of $\frac{1}{2}$ d. on each gill of whisky, or 1s. 4d. per gallon; this to be a municipal tax upon all spirits on being taken from the bond, and a like proportionate tax upon all other exciseable drinks. The proceeds of this tax to be used in each municipality where it is levied and the drink consumed, so as to cause the consumers to contribute to a certain extent towards defraying the expenditure drained from the nation at present more or less through drunkenness.

3d. Cause publichouses to be closed at 9 P.M. instead of 11 P.M. as at present. It has frequently come under my own notice while in the publichouse business that working men returning from work drop into these places from 5, 6, and 7, others at 8 P.M. quite sober, but at 9 o'clock they get oblivious, and forget home, wife, and family, and being allowed to sit, as in Scotland they are, in boxes till 11 o'clock, many are helplessly drunk, all of them, with very few exceptions, having too much drink.

4th. Cause every vendor of spirits of all kinds to label all bottles in which he serves them in any quantity whatever, to be carried out by customers, whereby he may be known in cases when served to a person under the influence of drink. I have seen much mischief done through men getting drink away with them when in this condition.

5th. Render it penal in cases where drink is asked for by persons under its influence and served, both in the case of the purchaser and vendor.

Note.—The seal of a cork is broken when the cork is drawn, and may be otherwise obliterated, but a label remains on the side of the bottle entire.—Obediently yours,

Sir J. Fergusson, Bart.,

WALTER GILBERT.

Chairman, Royal Commission.

(12.)

Irvine, Sept. 28, 1877.

DEAR SIR,—After the Royal Commission is done sitting on grocers' licences, if it is the case that they are to sell spirits, what I would propose is that they have no back shops, and no sacks of flour nor tea boxes. These are the nooks and corners that the women and men swallow their glasses like a shot. Also, I have no grocer to have his whisky-barrels at the back of his shop. All the grocers maintain that if it was not for the whisky they sell they might shut their door for any profit there is off the groceries. We have shops in this town that have not one pound's worth of grocer's goods in their shop—they have plenty of whisky

and ale also. We have the largest ironmonger in this town—you can get a gill of whisky or a quart of ale. I know a great many cases of men having drunken women for wives; they get the grocer to put down provisions for whisky. We will never have things right till the grocers' licences are done away with; they are a curse to the country. I think the spirit dealer works his business honest far than the grocer.—Yours truly,

J. BUCHANAN.

(13.)

63 Princes St., Edinburgh, Oct. 11, 1877.

Secretary, Royal Commission on Grocers' Licences.

DEAR SIR,—As far as my personal knowledge leads me in deciding, I am of opinion that the same liberty of supervision be given to the police in regard to the enforcement of the terms of grocers' licences as is given in the case of publichouses and hotels.

I was myself bred to the grocery, wine, and spirit trade, and have been since 1862 connected with the trade.

I had a grocer's licence in Brougham Place for about two years.

I have now a publican's licence here.

I have been a commercial traveller between Newcastle and Thurso, doing business in most towns and villages on the east coast.

It is not the general custom to treat servant girls or customers with whisky when paying accounts. It is the very general custom to give a bottle of wine as a gift at New Year time; some give a parcel of tea.

It is not the general custom of grocers allowing drinking in their back shops, but I have known exceptions.

I do not agree to the quart bottle system. I rather agree to the gill bottle properly corked, not sealed.

I never knew of whisky or other liquors being marked in a pass-book as potatoes, soap, &c., and never was asked to do so.

I consider upon the whole that the licensing laws of our country are perfect, with the exception that the police should have supervision of all kinds of licences.

I must admit I was not aware until the evidence given that a grocer's licensed shop was *not* under the surveillance of the police.

Should you desire, I can attend and give evidence before the Commissioners,—I am, yours truly,

JOHN BRUCE.

(14.)

North Berwick, 23d October 1877.

A. Campbell Swinton, Esq.

SIR,—I was appointed by the East Lothian Licensed Grocers' Association to give evidence in Edinburgh, but was prevented doing so from unavoidable absence.

And, being not unknown to you, I trust you will excuse the liberty I take in stating my views.

For the last twelve years I have been provost here, and also a J.P. for the county, and can confidently assert that in East Lothian the licensed grocers, as a rule, are a highly respectable class of men, who conduct their businesses with great propriety, and I think it would cause very great inconvenience, and entail a grievous hardship on respectable inhabitants to separate the licences; in fact, in the country it would be quite impracticable. Within the last few years I have found it necessary, for the convenience of the visitors who come here, to increase these licences, and have reduced publichouses, which I hold to be the root of all the evil of drunkenness, and would like to see them closed at 10 P.M. instead of 11 o'clock. This would do great good, especially on Saturday nights, which, being a half-holiday, and the hours of labour now restricted, would entail no hardship on the working classes. As more misery is caused in a family by a drunken mother than by a drunken father, I would recommend that women be entirely prohibited from frequenting and *drinking in* public-houses. The seed of the disease is often sown by young girls accompanying their parents and others to publichouses and inns, waiting to go home with them. This, I know, regularly occurs here on Saturday evenings by the country people—a state of things to be deplored, and which I should rejoice to see put an end to.—I am, Sir, your obedient servant,

P. BRODIE.

P.S.—I think 8 P.M. a good hour for closing grocers shops.

(15.)

Branderburgh, 5th November 1877.

To the Royal Commissioners on
Grocers' Licences.

HON. SIRS,—I write from the united villages of Lossiemouth, Branderburgh, and Stotfield, in Morayshire. I am

an unlicensed grocer. These villages contain a population of about 3000. There are in them over thirty grocers, eight of whom are licensed, and three hold porter and ale licences. Of these eight three at least, have been convicted of breaches of their certificates (one each). Only one of those licensed have houses apart from their shops.

My chief object in writing is to call the attention of the Commission to the disadvantageous position in which an unlicensed grocer is placed compared with one holding a licence. If the latter is doing anything of a fair business in spirits, &c., he may depend on that alone, and consequently undersell the other on those articles which form the legitimate stock of both; and by such reductions of prices he increases his business circle, and his liquor trade in proportion; whilst the man who has not got, or will not take, the licence has difficulty in making ends meet off the smaller profits he must charge, as the result of such competition.

The only way, it seems to me, to put all on an equality is to entirely abolish grocery licences.

Another point I would trouble you with my opinion on is the clause in table-beer licences prohibiting it from being consumed on the premises. Previous to a licence being required for the sale of beer, it was very common in rural districts to find houses by road-sides where beer and bread were sold, and the thirsty traveller could go in and get a drink and biscuit. I can see no reason why it should not be so still, whilst the temptation to break the law must, I suspect, be strong many a time, the very feeling of humanity prompting the retailer to yield to the request of the customer to be allowed to rest and drink.

Of the value of the above you will be better able to form an opinion than I am.—I am your Honourables' obedient servant,

AL. DUNCAN.

(16.)—For Evidence, see Q. 4422.

Kilmarnock, 22d October, 1877.

The Rt. Hon. Sir Jas. Fergusson, Bt.
Grocers' Licences.

SIR.—Will you kindly permit me to supplement my evidence before the Commission by making the following suggestions:—

1. That the rate paid for licences should be greatly increased, and should be regulated by population rather than by rental.

2. That £10 per annum be the amount of licence in all places of 10,000 people *and under*, and that this rate rise £1 for each 1000 of increased population until it rise to £50 for places of 50,000 people *or upwards*.

3. That grocers' licences and publicans be charged alike, hotel licences say 50 per cent. more.

4. That the population be ascertained by the preceding census, or where the census may be incomplete as to boundaries, by a special census taken under the supervision of the police, and that even or complete thousands only should count.

5. That the ratio of licences to population be fixed by statute, and gradually brought thereto as licences lapse, and be kept at or under that ratio.

If a scheme based on this principle could be enacted, and the rate for a licence were made sufficiently onerous and *not under* the rates indicated, it would to a great extent be self-acting in preventing a flood of hulking people going into the trade, in order to enjoy a lazy and perhaps a money-making life, but who had much better be relegated back to their ordinary occupation. It would also materially tend to relieve magistrates of the invidious duty of selecting among rival applicants for licences, and greatly do away canvassing, as the cost of the licence would be an important element to be considered before an application was made.—I have the honour to be your obedient servant,

P. STURROCK, *Provost*.

(17.)

October 22d, 1877.

RIGHT HON. SIR,—As an inhabitant of the small town of Johnstone, near Paisley, I desire to call your attention to the drink question there. There are a great many public-houses in that town where one can get drink at any hour on Sundays. There are several licensed groceries also, where drink is sold openly to customers to be drunk on the premises. I point out one in particular, kept by —; on the left-hand side of his shop there is a room kept, ostensibly as a counting-house, but it is in fact a tap-room, and there any one can be supplied with spirits to be drunk on the spot. All the other licensed grocers do the same; many of the publichouses have back entrances, and ways of serving their "friends" on the Sunday.—I am your obedt. servant,

GEORGE ANDREWS.

The Right Hon. Sir James Fergusson, &c

(18.)—For Evidence, see Q. 1719.

31 Argyle Place,
Edinburgh, 10th October 1877.

W. J. Mure, Esq.

SIR,—I understand some misapprehension has been caused by the apparent discrepancy in the cost price of whisky given by Mr Thomson of Galaahills and myself in our evidence before the Royal Commission yesterday. I beg to submit to the Commissioners the following explanation, which I think will reconcile the two statements.

Mr Thomson's calculation was made on the *liquid* gallon of whisky, at the original strength—viz., 11 o.p., three years in bond; he also took the finest quality of malt whisky, the distiller's price for such at present being 4s. 9d. to 5s. per gallon.

The calculation I gave was per *proof* gallon of good ordinary malt whisky, two years in bond. I enclose a calculation of the former quality from my own books.—I am your obedient servant,

WILLIAM THORBURN.

Cost Price of Finest Malt Whisky, Three Years in Bond.

Distiller's price, per liquid gallon . . .	£0 4 10
Three years' interest, at 5 per cent. . .	0 0 9
Loss by ullage	0 0 3
Loss of strength	0 0 3½
Depreciation in value of cask, and carriage . .	0 0 1½
Duty on 5 over proof spirits	0 10 7
	£0 16 10

(19.)

From GRAHAM SOMERVELL, Esq., Convener of the
County of Ayr.

15th October 1877.

DEAR SIR JAMES,—I should prefer not giving evidence before the 'Grocers' Licence Commission,' as I could not state a single fact on the question, and would not give my opinion before a Commission without being prepared to substantiate it.

I should imagine every one has an opinion on the subject, and mine is that grocers should be permitted to sell wine and liquors in sealed bottles of the smallest dimensions, and there should be no difficulty in arranging the details as to the storage of their liquors and supervision, the justices taking care to grant licences only to respectable parties and suitable premises.

This, in reality, is the only true safeguard.—Believe me, yours very truly,

GRAHAM SOMERVELL.

(20.)

Shewalton, Dreghorn, Ayrshire, October 16, 1877.

MY DEAR FERGUSSON,—I take an interest in the inquiry on grocers' licences, but I don't think I have much to add to what is already before you.

Considering that out of about 10,000 inhabitants in Irvine, Fullarton, and Halfway, there are *about* 43 licensed grocers' shops, and altogether 77 licensed houses, there is no doubt that Irvine is overlicensed—about one licensed house to every 129 inhabitants.

Through the indiscriminate way in which the several justices have granted grocers' licences, the trade is increased beyond its legitimate proportions—hence a keen competition; working men's wives run up bills at often more than one grocer's shop, summonses before the justices and the Small Debt Court follow, with the result of great distress caused by the ease with which these grocers allow their clients to get into debt.

I think the licensed grocers' argument that there must be places where respectable people can buy spirits without going to publichouses great rubbish. Look at the 'jug and bottle' department in publichouses in London.

Besides, from the class of women constantly up before me in Irvine Justice of Peace Court, I don't think they seem as if great moral deterioration could take place by their going to a publichouse to get their bottle filled instead of a grocer, and the same about wine and ale in my opinion. There would soon be found means of selling spirits to respectable people in publichouses without their being put to any inconvenience.

I think the great argument against the multiplication of licences is the increased difficulty the police experience in checking irregularities.

The police, also, have not sufficient power with regard to grocers' licensed houses; they can only enter when they have reason to believe an offence is being committed.

If I can give any evidence you think worth having I am

ready to do my best, but I have told you all I can think of that has not been much brought out before you.—Ever yours sincerely,

D. BOYLE.

(21.)

From C. G. SHAW, Clerk of the Peace, &c., County of Ayr.
County Buildings, Ayr, 15th October 1877.

MY DEAR SIR JAMES,—I would most gladly appear and give evidence before your Commission if I thought my evidence would be of any practical value. I fear, however, it would necessarily be of the most general character, and that I could say very little from my own experience. I discussed the questions falling under the Commission generally the other day with Captain M'Hardy, chief constable, and as he seems to have taken some pains to inform himself on the various points in their actual operation, I suggest him as a suitable witness. I have always been of opinion that the evils complained of, and which I have no doubt to some extent exist, arise from a lax administration by the Justices of the present licensing acts, particularly in the granting grocers' certificates. There was at one time a feeling that such licences should be granted very much as a matter of course, and although there is recently a change for the better, still they are often granted when they should not. In this way grocers' shops are apt to become mere drinking shops. I am afraid that I do not agree with your idea that the provision and liquor trades should be separated. I think it a great convenience and a right enough thing that grocers should sell brandy, &c., &c., but I would incline to restrict the sale to sealed bottles not less than $\frac{1}{2}$ a pint. Of course this would not prevent them giving a woman a bottle of whisky in the name of 'sundries' or 'goods,' but it would prevent their supplying a present craving which can be secretly gratified, and which is perhaps all you could aim at, as the purchase of whisky to be afterwards consumed cannot be prevented. With regard to witnesses, besides the gentlemen you name (and who may be taken as representative of their class), I may suggest the Rev. Dr Pykes, Ayr; Mr W. Dalgleish, chief magistrate of Cumnock; Mr Dickie, procurator-fiscal, Irvine; Superintendent Menzies, Dalry; and Mr M'Kenna, inspector of poor, Girvan. Of course these are suggestions of persons from whom you may obtain different views; I do not know actually what their views are, and you will take the suggestion for what it is worth.—Believe me, yours sincerely,

CHAS. G. SHAW.

Sir James Fergusson, Bart.

(22.)

Marchbank, Canonbie, October 13, 1877.

To the Chairman of the Royal Commission
on Grocers' Licences (Scotland).

RESPECTED SIR,—Will you please pardon the liberty I take in offering to your Commission a suggestion on this licensing question. From the evidence now received by your Commission, it is evidently desirable to reduce the number of grocers' licences in Scotland if it can be done without injustice.

The proposal which I respectfully submit to you is, to compel all spirits to be sold at proof standard. The adulteration by watering and otherwise gives so large a part of the dealer's profit in whisky that if taken away it is certain there would soon be fewer men in the trade, and the lowest class—which it is so desirable to get rid of—would go first to the wall. This would reduce the evil without doing any injustice to vested interests, for there can be no more wrong in compelling the sale of pure whisky than in compelling the sale of pure milk. The impure whisky could be much more readily detected, and if licences were subject to forfeiture for offences of this kind the law would soon be generally respected. It is well known to all who have any knowledge of the trade that the adulteration of spirits yields the greater part of the profit in spirit selling, and if you wish confirmation of this, I venture to say you may soon get it by sounding a few of the spirit-dealing witnesses who come before your Commission as to their willingness to be compelled to sell spirits at proof standard.—Very respectfully yours,

JAS. H. PARK.

(23.)—For Evidence, see Q. 2019.

45 Cumberland Street, Nov. 2, 1877.

SIR,—Having read the evidence of Sheriff Barolay, Perth, and Mr W. T. Currie, solicitor, Dundee, I have taken the liberty of sending you a written statement of my views, which I am ready to stand by, and which I hope you will read if you have time. I am, sir, your most obedient servant,

JOHN TODD.

SIR,—I regret when I unexpectedly appeared before the Royal Commission that I failed to put with sufficient clearness that it is the credit system that supports the drinking system, and the drinking system that necessitates the credit system in most cases, and there is a close alliance between the credit system, the pawning system, and the drinking system, and the powers of the Small Debt Court bind them together, and I say that it holds the key of the situation; and if the legislature would only compel an over-wrought Small Debt Court to say that from and after a certain date that it was not going to interfere with transactions below a certain fixed value for every separate article. A less sum than 20s. would cure the evil with grocers, but not with tallyshops, &c. Possibly a part of the Tippling Act and an increase of the Wages Arrestment Act, with a little additional restriction on the pawnshops, might be the best arrangement. Such a bill would interfere with no person's liberty, nor prevent merchants who are giving a reasonable amount of credit either for convenience or necessity from continuing on as they are doing, while it would effectually reach that class who require restriction, and who are, through the credit system, wasting their means and taking more than their share of the two and a half gallons whisky annually; in fact, who are taking the teetotallers' share and the children's, and who are just the class who cause all the trouble, and who keep up a constant supply both of criminals and paupers.

It is the very nature of the credit system to encourage extravagance in luxuries of every kind—both drink and dress.

And further, it creates and keeps up overcrowding of shops of every kind in poor localities, especially grocers' shops (licensed and unlicensed), because it is easy to get a business in such places if you give plenty of credit, and the overcrowding compels people to give credit too freely to get a share of the business. Then the merchant gets short of money to meet his bills, then the cheap selling begins that some of the witnesses complained of in order that they may draw a little ready-money to put off the inevitable end—a disgraceful failure.

Since Mr M'Laren, M.P., has drawn attention to a particular district behind Surgeon's Hall, I take the liberty of saying that almost every grocer (licensed and unlicensed) and baker are more or less doing what they can to support the drinking system by giving credit, and also that there are four publichouses in the centre of the district, between Drummond Street and Rankellor Street, and down to the Queen's Park in a line from each, selling more whisky than all the licensed grocers put together, and if he likes to inquire at Waterloo Place he will get the exact quantity received in stock by each; and also, that if he took the licence from every grocer in that district he would not reduce the consumption of spirit to the extent of one quart bottle in the year.

JOHN TODD, Wine and Spirit Merchant,
45 Cumberland Street, Edinburgh.

(24.)

501 Sauchiehall Street, Glasgow, Nov. 16, 1877.

Sir James Fergusson, Baronet,
Chairman of the Royal Commission
on Grocers' Licences.

SIR,—As a member of the grocery trade, and much interested in the investigation now being prosecuted regarding their usefulness as licence holders, I have given deep attention to the evidence and suggestions that have been offered throughout your sittings. On one point there seemed a decided concurrent opinion, and that was, that much of the evil arising from the free use of whisky had its origin in the sale of new spirit, and that some restriction should be placed upon this. As, however, none of the witnesses suggested how this should be done, you will perhaps pardon me in thus addressing you, the subject being one which for some years has been my especial study, alive to its necessity, and aided by considerable experience derived in the duty-paid and under-bond trade. Assuming, then, that whisky ought not to go into consumption until it has attained some degree of maturity, at what age is this to be determined, and afterwards how is the restriction to be made operative? To those who have given this subject moderate study, it is well known that whiskies when properly distilled have all different maturing qualities, Campbeltown, from its nature, being in its prime with twenty months' age, while Islay and most north country whiskies require three years, plain malts about two years, and again grain spirits, with almost unlimited improving qualities, but which ought not to be in use under two years. In view of this diversity, it would seem fair to strike the mean at two years, and make this the youngest period at which restriction would cease, and this, I feel certain, would meet the full approbation of the well disposed in the trade. But on whom

is this restriction to be placed,—on the distiller or trader? If on the distiller, it would amount to almost an impossibility, as the necessary storage-room and capital to carry forward two years' stock would be beyond the resources of nearly all those existing, and would create a dangerous monopoly in the exceptional cases. One Glasgow distillery produces from 50,000 to 60,000 gallons weekly, and works all the year round. And a very ordinary Campbeltown distillery will produce 2000 gallons weekly, working nine months in the year. This example will make the difficulty obvious. Is the restriction, then, to be placed on the trader? This would not be reconcilable with recognising the first sale as legal, and would create a grave commercial wrong in making one and the same act legal and illegal. I would therefore venture to suggest that the best way to meet this difficulty, avoiding all direct interference with trade customs, would be by imposing a restrictive duty sufficient in amount to destroy the money motive in selling new whisky, and at the same time sufficient to exclude the growing use of Berlin and other foreign imitations of Scotch whisky. Regarding the working of this restrictive duty I would suggest for the consideration of the Commission that the restrictive two years be divided into eight quarters, and the differential duty charged accordingly. There ought to be no excise difficulties in the carrying out of an arrangement like this, as at present the excise officials register both in their books, and on the end of each cask the year of filling. It would therefore only require an additional figure to indicate the division of the year, and an extra line on the permit form for the duty rate. In cases also where whisky would be transferred from one bond to another, the original warehousing date alone should be required, and not the date of re-warehousing as at present. This remedy has the advantage of bearing only on those in the habit of selling whisky in a condition properly termed an inferior article, would be popular, I think, in the country, and could be made very acceptable to the Chancellor of the Exchequer, if the present rate of 10s. per proof gallon was made the minimum.—I am your obedient servant,

ALEXANDER MACKAY.

(25.)

501 Sauchiehall Street
Glasgow, Nov. 24, 1877.

Sir James Fergusson, Baronet,
Chairman of the Royal Commission
on Grocers' Licences,
31 Queen Street, Edinburgh.

SIR,—In supplement of my former letter of the 16th inst., and to make my meaning more clear, I would submit the following trade facts, and how my proposal would act upon them. The price recognised by all who sell whisky as the standard is 18s per gallon duty paid; whisky with two years age, and at proof strength, is sold at this price, and new whisky at 15% under proof is also sold at the same price. Whisky two years old at proof strength would cost duty paid 14s 6d per gallon, and the new at its selling strength 15% under proof would cost duty paid 10s 6d per gallon. By taking the difference in costs of both whiskies, which is 4s, and adding it in the undernoted divisional manner, all inducement in selling the inferior article is then completely removed; and in a very short time old whisky would be the rule and not the exception. According to my proposal the duty rates would be as follows:—

New whisky—	14s per proof gallon.
3 months and not exceeding 6 months	13s 6d "
6 "	9 " 13s "
9 "	1 year 12s 6d "
1 year	1 " & 3mo. 12s "
1 " & 3 months	1 " & 6 " 11s 6d "
1 " & 6 "	1 " & 9 " 11s "
1 " & 9 "	2 years " 10s 6d "
2 years.....	10s as at present.

—I am, sir, your obedient servant.

ALEXANDER MACKAY.

(25.)—For Evidence, see Q. 6515.

38 Union Street, Dundee,
17th November 1877.

Thanks for the opportunity you have afforded me of revising the evidence I tried to give on the 1st instant. My object in referring to the sad history of my fellow apprentices was to show the necessity of some steps being taken to prevent raw lads, of from thirteen to fourteen years of age, being subjected to the risks and temptations that in my apprentice days fell to the lot of most of those who desired to learn the grocery trade.

I regret somewhat that I did not take time to explain why I said I would prefer to see spirits only sold in the chemist's. I know too well that the country is not yet ripe

for that, and should have said that in the meantime we must be content to a less restriction, such as an entire separation of the grocery and spirit trades. The licences being put up to the highest bidders, and the successful bidders being bound to find ample security for the proper conduct of the dangerous traffic, the sum realised for the licences being made available towards the extra expenses caused by intemperance and its attendant evils.

The grocer, wine, and spirit dealer referred to in Question 6525 was, at the time time I contemplated beginning business, anxious to get rid of the spirit trade, and we looked at several places with a view to a partnership in an unlicensed business, but he had not faith enough to venture without the licence, when so many had it; and so he is still a licensed grocer and has made a fortune, while I have wrought quite as hard without the licence, and am still a poor man.

Trusting that you will excuse this long explanation, and that great good will come of this investigation.—I am, yours respectfully,

J. HISLOP.

(27.)

Crame Quarries, near Inveraray,
23d October 1877.

To the Secretary of the Royal Commission
on Grocers' Licences.

SIR,—I, William Sim, sole partner of the firm of William Sim & Co., contractors and granite merchants, 88 Great Clyde Street, Glasgow, and residing at No. 3 Royal Crescent, Glasgow, and lessee of several granite quarries in Argyleshire, came here to-day to make my quarterly inspection. Adam Sharp, manager at the quarry here, complains that John Buchanan, licensed grocer in the Burgh of Inveraray (12 miles distant from this place), still continues the practice which he commenced about four months ago, namely, that of sending a man and a horse and cart here every Saturday with whisky and other liquors and groceries, the latter being a mere blind to permit of his introducing the former, all my workmen are paid their wages every Saturday, commencing at twelve noon, the man and the whisky cart is there waiting on to get payment for the previous Saturday's delivery, and to book fresh orders for the following Saturday. It is producing very bad effects amongst our work people, and ought to be suppressed. I leave for Glasgow on Friday morning first, and could give evidence on Saturday or any day afterwards; a letter will find me here till ten A.M. Friday, 26th current, or at 3 Royal Crescent, Glasgow (West) on that evening.—I am, Sir, your most obedient servant,

WILLIAM SIM.

(27a.)

88 Great Clyde Street, Glasgow,
27th October 1877.

W. J. Mure, Esq.,
Secretary to the Royal Commission
on Grocers' Licences,
31 Queen Street, Edinburgh.

SIR,—With reference to my letter to you of the 23d inst., I beg to inform you that I returned from my quarries at Lochfyneside last night, and this morning I duly received yours of the 26th inst., intimating close of Commission's meeting in Glasgow, but that you would lay my letter before them. I beg to enclose for you herewith fuller information on the subject, namely:—

1st. Copy of my letter to J. Wyllie, Esq., Chamberlain, Inverary, of date 27th June 1877.

2d. Copy of Mr Wyllie's reply, of date 30th June.

3d. Copy of further information from Mr Wyllie, of date 30th July.

4th. Copy of Extract from Letter, Adam Sharp, manager, Croral Quarry, to me, of date 26th October 1877.

From these documents you will observe that the John Buchanan in question is acting under the impression that the grocer's licence which he holds for his shop in Inveraray entitles him to employ a man, a horse and van, to proceed with whisky in the manner described to my quarries, and on the public highway deliver to the people, whether householders or lodgers, their order of the previous Saturday, get the payment for same, and then book their order for the next Saturday's delivery, all this being done on the roadside, instead of John Buchanan's licensed premises. My humble opinion is that the transaction should commence in those premises, and end in same, and nowhere else. I am hopeful that the Commission may find this view of it to be correct, so as to put an immediate stop to the establishing of travelling whisky shops throughout the country.—I am, Sir, your obedient servant,

WILLIAM SIM.

(27b.)

1.—Copy of Letter from William Sim.

Glasgow, 27th June 1877.

To J. Wyllie, Esq.,
Chamberlain, Inveraray.

DEAR SIR,—When at Furnace and Croral on Thursday and Friday last, I ascertained both from Mr Gardner and Mr Sharp that Mr Buchanan, grocer, Inveraray, commenced recently to send down a horse and cart every Saturday, ostensibly with a few articles of groceries, but chiefly with a large supply of whisky. The first Saturday's delivery took place immediately after our workmen were paid their weekly wages, under the pretence that the recipients had previously ordered same at Inveraray, and in progress of delivery the clerk or vanman booked the new orders of all and sundry for the succeeding Saturday, so that the working population resident between Inveraray and Croral can now depend on the punctual arrival of what they term 'Buchanan's whisky cart' every Saturday.

The fourth trip terminated on Saturday, the 23d curt. The following remarks are from Mr Sharp's letter of that date regarding it:—'Buchanan's whisky cart as usual was punctually down here about 12 noon, and the effects of it were quite plain in three hours thereafter, there being a number of men "tipsy," and some of them about "drunk." I hope you will be successful in putting a stop to it.—(Signed) ADAM SHARP.'

—I am, dear Sir, yours truly,

(Signed) WM. SIM.

(27c.)

2.—Copy of Letter from J. Wyllie, Esq.

Inveraray, 30th June 1877.

To Wm. Sim, Esq.,
88 Great Clyde Street, Glasgow.

DEAR SIR,—I have received your letter of 27th inst. and will bring the matters referred to in it under the Duke's notice when he comes to the country.

If Buchanan insists, however, on continuing the traffic you complain of, I fear there is no way of putting a stop to it, so long as he does not infringe the Excise regulations.—Yours truly,

(Signed) J. WYLLIE.

(27d.)

3.—Copy Extract of Letter from J. Wyllie, Esq.

Inveraray, 5th July 1877.

To William Sim, Esq.,
88 Great Clyde Street, Glasgow.

From further inquiries made, I am led to believe that the opinion expressed in mine of 30th inst., regarding 'Buchanan's van,' is correct.—Yours truly,

(Signed) J. WYLLIE.

(27e.)

4.—Copy Extract of Letter from Adam Sharp, Manager, Croral Quarries.

Croral Quarry,
26th October 1877.

To Mr William Sim.

Immediately after you left to-day, the Supervisor, Mr Glass, passed here. He says there can be no stop put to it unless I can find out that any one is supplied without previously giving an order. If that can be done, he has no doubt but it would at once be put a stop to. I will see if such has been done, and if so I will at once give you the name of the parties, and you can communicate with Mr Glass, Lochgilphead.

(Signed) ADAM SHARP.

(28.)—For Evidence, see Q. 2440, 2555.

12 Leven Street, Edinburgh,
28th November 1877.

To the Right Hon.

Sir James Fergusson, Bart.,
Chairman of Royal Commission
on Grocers' Licences.

SIR,—I take the liberty of submitting to the Commission the following statements with regard to the quality of whisky, and with the suggestions made to the Commission as to the desirability of not allowing whisky to be delivered from bond under two years.

1st, That the quality of whisky has been very much improved within the last 25 years can be easily seen from the fact that whereas the surplus stock in bond in December 1852 was 904,789 gallons, in December 1875 it was

9,346,287 gallons, being an average increase during the 23 years of over 400,000 gallons, and the tendency is still to increase. I think I am justified in claiming for the larger grocers the credit of this improvement, who, with large capitals invested in old whisky, and by great attention to the careful blending of the different kinds, may be said to have brought the quality of whisky to perfection. But while this improvement has been going on it is a matter of regret that the quality of whisky to be met with in the bulk of publichouses is of a very inferior quality, and very hurtful to consumers. The deterioration can be traced to the extensive use of German and other foreign plain spirits by wholesale firms, from whom the most of publicans and smaller grocers draw their supplies. The excise returns show that in 1876 duty was paid on over 2,000,000 gallons of that spirit (which is very coarse, and which formerly was only used for methylating and rectifying purposes), and that quantity must all have found its way into the mixtures sold by these wholesale houses. I would not say that all publicans sell bad whisky, for I know that many of them hold large stocks of old whisky, but from the want of knowledge in the judicious blending of spirits they do not sell a palatable article.

I would suggest that the blending of German or other foreign plain spirits with Scotch spirits be prohibited, or that it be sold as what it really is, a mixture of German and Scotch spirit.

2d, With regard to the age of whisky, I think it would be for the public good that it should be two years old before being used, but such a law would be impracticable. At present our yearly consumpt is over 8,000,000 gallons, so that at the present time we have little over a year's supply in bond, when with such a law we would require at least three years' supply; but the stock in bond has increased so rapidly of late years (the increase in the years 1874 and 1875 having been nearly 2½ million gallons) that I have no doubt that in a few years it would be quite practicable to put such a law in force. In the meantime I would suggest that in the course of a year it might be made a law that no spirits be delivered from bond until they had lain one year.—I am, sir, your obedient servant,

W. B. WISE.

(29.)—From a Country Parish Minister.

Manse, 10th October, 1877.

MY DEAR SIR,—I venture to tell you something of licensed grocers here.

We have five. They are personally, and in respect of their class in society, as respectable as is to be desired, or is to be had. There is not one of them who does not, as a matter of course, sell drink which is consumed on the premises. One of the most respectable of them acknowledges as much to me himself. Respectable persons who get it have acknowledged it, thinking no harm in it. I have resided for years at a time in four widely separate parts of Scotland. I know that it was so in all those parts. *It astonishes me that anybody should doubt it.* And as for the harm done, it is just as patent. Temptation is incalculably increased. The evil is seen in the producing of drunkards more than in the conduct of the drunken, for when this stage is reached there is no hindrance to men going anywhere to try to get it. I have persons who at their present stage would not go ten times to an inn in a day, but who can get ten drams comfortably by taking the places by turns, and who can go oftener into a single grocer's shop without suspicion than into an inn. And there are other views of the subject and its evils to which I need not refer.

I think the pint or quart proposal is a *great farce*. It *won't* do good. It may do *harm*,—unless you have a permanent and unbribable sentinel in nine shops out of ten, not to speak of the probable effect in *homes*.

I have given careful attention to the whole subject for twenty years, and upon this part of it I am as confident as one can be about anything human that the only course worth talking about *for good to the country* is:—To take the present privilege of grocers from them, and give it to houses in which nothing else is allowed to be sold, nor any other trade or profession exercised which can afford an excuse for visiting the house.

If people have to turn from their grocer and go to a special shop for their *bread*, and to another for their *meat*, and to another for their *fish*, &c., &c., it must surely be the absurdest bunkum and sentiment to regret their having to go to a special shop for their intoxicating liquors.—I am, yours faithfully,

M.A.

(30.)—From the Same.

Manse, 13th Oct. 1877.

Not an hour ago I was in a licensed grocer's shop (one o'clock P.M.) when a girl of about eleven years came and

received into a small bottle about a gill or two glasses of whisky; and then before going to the door of the shop most carefully put it out of sight in her pocket. There is no probability that, with any other article, she would have done the same. There is no doubt the party by whom she was sent desired concealment. If she had had to send where all could tell what was bought, there would have been an exposure necessary which would probably have hindered from giving effect to a merely idle proposal to have a dram. I have seen this frequently.—Yours most faithfully,
M.A.

(31.)

(From the *Dunfermline Saturday Press*, Jan. 13, 1877.)

SIR,—I notice in the *Scotsman* that your Town Council has had some discussion about whisky, and Dr Milne's analyses of the samples sent him from Dunfermline; also, the sensible remarks of Mr Lindsay, that whisky sold in Dunfermline should be at least two years old. In all the schemes and measures proposed (some of them very extreme) for preventing drunkenness in the land, I do not see one that touches upon the drink or spirits that are permitted to be sold. The spirits usually sold to publichouses are hot new run spirits, perhaps a week old. This of course stands more water and pays better; but being new, the obnoxious volatile fusel oil that plays all the mischief is there. From experience and careful attention, I invariably notice that it is by the use of this poisonous spirit that the evils of intemperance are caused. To remedy this evil, and to put pure and wholesome spirits into the hands of the consumer, I submit a scheme which occurred to me many years ago—namely, to allow no spirits to be taken out of bond for home consumption till it has been one year in bond; then the following sliding-scale of duties (present duty is 10s. per gallon proof, on whisky of any age):—

1 to 2 years in bond	12s. per gall. proof.
2 to 3 years "	11s. "
3 years and upwards	10s. "

By this scale the purest and most wholesome spirit would come under the lowest duty. The Adulteration Act steps in again, to prevent mixing with foreign substances to cheapen. Nothing but age can take the fusel oil out of spirits. An Act of Parliament to compel the use of matured spirits would very soon lessen the drunkenness that exists, and the outcry that is raised against the licensed seller.—
I am, &c.,
TEMPERANCE.

Inverkeithing, Jan. 10, 1877.

(32.)

Glasgow, 22d October 1877.

To Sir James Fergusson, Bart., Chairman,
Royal Commission on Grocers' Licences.

RIGHT HONOURABLE SIR,—As Chairman of the Commission presently sitting in Glasgow, I, with many hundreds of working-men, congratulate myself at the pointed questions put by you and the members of the Commission to the various witnesses or persons examined, to solve the vexed question—What is best to be done for the public good?

There seems to be a lingering desire on the part of some of the witnesses to leave the trade, so far as grocer's are concerned, just as it is. The inference drawn seems to be that because there are but few convictions there are but few evasions; well, let any one member of the Commission personally visit these shops, and they will see the *almost universal screen built up of jam jars, &c., to hide the dram-drinking behind.*

There are no such screens in the ordinary grocers' shops; why?—because they have nothing to hide. That the system of conjoined licence is working the most dangerous results in many families is too apparent. Working-men in hundreds, like myself, find that we are in a position to lay past for a sore foot, &c., but this is impossible, while the temptations are placed before their wives. It is fearfully suggestive that while the wife is getting her sugar, tea, &c., weighed, her eye cannot escape the whisky and rum barrel, and it is sad to say that in almost every basket of provisions leaving the shop, the dram in the bottle is not omitted. Then look at the comparatively few grocers (see *Glasgow Directory*) who have the combined licence; it will not be a hardship to make the minority equal with the majority; then consider the young men employed in these *so-called grocers' shops*. They are kept till 11 o'clock p.m.; while the honest respectable grocer closes at 8 o'clock p.m. and don't open till 8 o'clock. The prayer of many like myself is that some good may be the result of your labours, to our frequently comfortless homes.—I am, &c.,
A WORKING MAN.

(33.)

W. J. Mure, Esq.,
Secy. Grocers' Licences Commission,
Queen's Hotel, George Square, Glasgow.

Dumfries, 20th Oct. 1877.

SIR,—I have to state that, by directions of a Committee of Justices, your circular will be brought before the Quarter Sessions of this county on the 30th inst., when the Justices may probably discuss the subject of grocers' licences, and come to some resolutions thereon.

The actual sale of spirits by licensed grocers in the county has not, to my knowledge, increased of late years; and the number of grocers' shops licensed is not, in my opinion, greater than is required for purposes of legitimate trade. In towns, it might be desirable to cut off the licence from the provision shops, of which, however, there are not many certified in Dumfries. In the villages this could scarcely be done without inconvenience to the middle and lower classes, who might not be inclined or be in a position to purchase in larger quantities from dealers in the towns.

In my opinion, the consumption of spirits in the county, and particularly in the principal towns, has not of late increased—bear being now much more largely drunk by all classes. The number of publichouses in the town of Dumfries is in excess of the wants of the inhabitants, but many of them would have little or no trade were it not for the large influx of people from two populous counties on the market days. This fact is apt to make generalisations from the number of licences in proportion to population fallacious, and to give a worse character to the town than it deserves. Statistics in my possession show that the proportion of licensed premises to population in the town of Dumfries is 1 to 116, while the proportion in the landward part of the county is 1 to 712. The truth lies between these extremes. Taking the whole, burghal and landward together, the proportion is 1 to 342, which is not in excess of Glasgow or Paisley, although I consider that it should not be less than 1 to 500.

Evasion of the law by licensed grocers has come under my own personal observation in two or three instances. In one flagrant case of systematic back-shop drinking, the practice has happily been stopped, not, however, by police interference, but by a change of tenant. I am satisfied that the trade is at present respectably conducted both in town and county, but I should like to see grocers' shops placed under the same police supervision as publichouses. I am also of opinion that all licensed grocers' shops should be closed at 8 p.m., with an extension on Saturdays to 9 o'clock; that the sale of spirits in open vessels should be prohibited; and that the trade should be limited to the pint bottle, with the cork driven down—sealing would be an unnecessary and oppressive precaution. The use of drinking vessels in grocers' shops might also be declared illegal. Sampling could be effected by means of corked bottles sent out of the premises.

These are the views which occur to myself on the points referred to in your circular, which I am prepared to repeat if orally examined. If the Justices come to any resolution at their meeting on the 30th I will communicate it.—I am, sir, your obedient servant,

JAMES H. M'GOWAN,
Clerk of the Peace.

(34.)—For Evidence, see Q. 9024.

The Hon. the Commissioners of Inquiry
on Grocers' Licences.

At your Court of Inquiry on the 29th ult. there seemed to me to be some diversity of opinion as to the nature and properties of fusil oil, and the time required to mollify its deleterious tendencies. It strikes me that if your Court were at liberty to cause analysis to be made by the Principal of the Government Laboratory at Somerset House, of both malt and grain whiskies, got from different parts of the kingdom, at ages varying from one month to two or three years, you would then have authoritative data of the percentages of fusil oil; and would be in a position to determine for yourselves as to whether there were a gradual diminution of the oils, corresponding to the ages of the whiskies.

A witness said that he did not know what was proof spirit. Act 58 Geo. III. c. 28 defines proof spirits to be such as at a temperature of 51° Fahr. shall weigh $\frac{1}{4}$ of an equal measure of distilled water; spirits of proof strength, therefore, contains nearly equal weights of pure alcohol and water.

Another witness did not seem inclined to admit that there was any admixture of foreign brandy. The following came under my own observation:—On 16th December 1852, 6½ and 5 gallons of foreign brandy were sent by a wholesale dealer to two grocers in Kirkwall. The grocers having kept portions of the sale samples, were not satisfied with the articles sent, and came for me to ascertain the strengths, as they believed that whisky had been added to them. The

goods sent were invoiced and permitted at strengths of 11 u.p., and they were found by me at strengths of 8·4 and 8·1 u.p., being 2·6 u.p. and 2·9 u.p. per cent. stronger than invoiced or permitted—a very unlikely thing if the liquids were genuine brandies. The duty on British spirits at that time was only 3s. 8d. per gallon.

I do verily believe that some publicans and grocers adulterate their whiskies with stupefying ingredients, for I have frequently heard in Caithness and Leith of the same effects having been produced as was described by one of your Commissioners. I have on several occasions sent strangers to make purchases at suspected houses, but I have failed to detect anything amiss.

There is an opinion current that the whiskies have not been so genuine since the trade were allowed to have them in their possession at any strength not exceeding that at which distillers and rectifiers can send out, viz., 20, 15, or 10 per cent u.p.; at proof, 5, 11, 15, 10, or 25 o.p. Previous to year 1848 no dealer or retailer could legally have British spirits in his possession less strength than 17·0 up.

PAUL HELM,
Supervisor of Inland Revenue.

Leith, 11th December, 1877.

(35.)—For Evidence, see Q. 3507.

5 Pentland View,
Edinburgh, 10th Dec. 1877.

SIR,—On behalf of the Committee of Citizens for the Separation of the Grocery and Spirit Trades, I have to call the attention of the Commissioners to the following statement by Mr Wyse under Question 2565:—‘I wish to remind the Commissioners that in March 1876 Mr James Cowan presented to the House of Commons a petition signed by 16,000 inhabitants of Edinburgh, setting forth the inconvenience they would suffer from being deprived of the power of purchasing small quantities of spirits in grocers’ shops.’

This statement is at variance with the official returns of the House of Commons. The following is quoted from Summary of Public Petitions, February 8th to August 15th, 1876 (page 1154), and February 8th to August 14th, 1877 (page 848):—

Intoxicating Liquors (Scotland) Bill.

1876.

	No. of Petitions.	No. of Signatures.
Against,	29	13,870
For alteration,	8	4,443
In favour,	302	17,089
„ „ (certain clauses),	1	2

1877.

	No. of Petitions.	No. of Signatures.
Against,	43	1,942
For alteration,	20	18,578
In favour,	260	7,527

The Committee desire me to draw the attention of the Commissioners to the importance of the figures having reference to the bill of 1876, as it practically provided for the extinction of the grocers’ licences, clause 4 reading thus:—‘From and after the passing of this Act, it shall not be lawful for the licensing authority to grant to any grocer any certificate for a licence to include the sale by retail of intoxicating liquors, unless such grocer shall at the time of the passing of this Act hold a licence under the recited Acts: Provided that it shall be lawful for the licensing authority to grant certificates enabling the holder thereof to obtain a licence for the sale by retail of intoxicating liquors, not to be consumed on the premises, in rural districts where there shall be no premises licensed for such sale, situated or accessible within two miles of the premises in respect of which such certificate shall be applied for.’

The list of petitions in favour of the bills included those from the General Assemblies of the Established and Free Churches, U.P. Synod, and other religious bodies, and also from public meetings; while those against were promoted only by the licensed grocers, without any active co-operation on the part of the public.

I am further requested to bring before the Commissioners the fact that, by the union of the trades, a very large number of young men, employed as assistants, are exposed to temptations to drink, very many of whom fall into drinking habits. The separation of the trades would largely limit the number of young men thus exposed.

The Committee will have no difficulty in leading evidence on this point should the Commissioners desire it.

The Committee are aware that a memorial has been presented to the Commissioners from the licensed grocers in favour of restricting by Act of Parliament the hours during which their premises may be open for business, and are of

opinion that whatever good might arise from the earlier closing of licensed grocers’ shops, in no way would such an enactment affect the evils complained of in connection with said licence—such as back-shop drinking, drunkenness among women and children, false entries in pass-books, Sunday drinking, &c.

The Committee earnestly hope that the evidence brought before the Commissioners will result in the only satisfactory solution of this question, namely, the entire separation of the liquor from the grocery trade.—I am, your most obedient servant,

DAVID ANDERSON, Secy.

W. J. Mure, Esq.,
Secy. to Royal Commission on
Grocers’ Licences.

(36.)—For Evidence, see Q. 5102.

293 Cathcart Road, Glasgow,
21st December 1877.

W. J. Mure, Esq.,
31 Queen Street, Edinburgh.

DEAR SIR,—I take the liberty of asking you to bring what follows before the Royal Commission on grocers’ licences if it is not too late.

If it is found that precautions are necessary to ensure the general public getting good spirits from the dealer, the dealer also requires protection from the distiller. Something ought to be done, for instance, in the matter of spirits that I purchase and keep in bond say for one year or two, to show that what I get out is really my whisky. There is a strong opinion among dealers that tampering does go on, and I have had occasion to lift three puncheons of whisky (since I gave my evidence here) under bond to a store in the city, as I was satisfied that I was not getting what I bonded, another dealer tells me that he was suspecting the same thing and with the same distiller, and he is taking all his whisky under bond to Glasgow—ten or twelve puncheons. would suggest that the excise should be instructed to watch our interests here, and that, in addition to the other information given on the ‘permits,’ the date of bonding should be stated; that would be some guarantee that we had got what we bonded; at present we have nothing whatever to show but the year marked on the cask and the progressive number of filling, but that is rather a wide margin.—I am yours respectfully,

ALEX. S. WHYTE.

(37.)—For Evidence, see Q. 7706.

Fraserburgh, 22d August 1877.

W. Ferguson, Esq.

DEAR SIR,—I avail myself of your request through Mr — to let you know my opinion upon the subject of grocers’ licences.

In small towns, particularly such as Fraserburgh, the law is daily and constantly broken in respect to the consumption of drink upon the premises, it being next to impossible to obtain a conviction, most of the cases tried with us having broken down through the difficulty of procuring evidence. Hence the law is virtually in abeyance, and not only does this result in a great amount of drunkenness, but the public conscience is demoralised to a fearful extent from the illicit nature of the traffic.

Then, again, the facilities afforded for procuring drink by females such as the wives of working men through its being sold along with groceries has led to a great amount of drinking among that class of the community.

Another evil connected with the system is the injustice done to grocers who decline going into the spirit trade, it being a well known fact that the great profit upon spirits enable licensed grocers to undersell their neighbours in the trade who do not deal in spirits.

These are considerations with which, I have no doubt, you are already quite familiar, but I cannot help taking the opportunity of saying that I should consider it a very great blessing indeed for the country should the Commission decide upon recommending the withdrawal of grocers’ licences for the sale of intoxicating drink.—I am yours truly,

R. TINDALL, Jun.

(38.)

From a Lady in the country.

November 1, 1877.

MY DEAR SIR JAMES,—I have no personal knowledge of any women having been led on to getting spirits in an underhand way at the shop near this, and I know that hearsay or vague impressions go for nothing in evidence, so that it must be very difficult to get at facts; but I am quite certain that many of the men whom I have seen go from bad to worse here would not have stepped into a public house in the morning in the way I have often beheld them resort to the grocer’s shop, besides returning for supplies at

their dinner time; and most certainly, although much is carried outside, a great deal has been consumed inside the threshold of the door. I remember some years ago a woman going and finding a great deal of money owing for spirits her husband had got without her knowing of it, and a fearful scene took place between them within earshot of this house, when she was heard to say to him, "If it was not for the bairns I would never see your face again." She was driven desperate, poor woman, and the man drank himself to death before the community; I have seen him sitting drinking along with another man. What I wish to show is that by a licence having been granted to this shop, enormous facility was given for drinking which would not have existed had people had to walk to the bar of the hotel. My neighbours fought against it for years, but the Commissioner was gained over to support it, although he stated that he considered it not required, and that it would not be so for some years to come. There is a wretched man, formerly a gardener, who now keeps boats, and it is very painful to see him go constantly in and out of the shop fetching spirits—I mean many times a day,—which he drinks on the shore. I have been told that they refuse to sell to a woman who every now and then gives way to an invincible fit of drinking, but I have seen tipsy people go in and get more often. We used to have to speak to one of the sons who kept the shop about the house and garden, and perceived that he took spirits quite early in the day, and thus undermined his health, and died in three or four days' illness of fever. This I mention because I consider one argument against the grocers' licences to be the temptation it must be to those serving in the shop. I shall not trouble you longer, and fear I have said little that is worth reading.

(39.)

MY DEAR FERGUSSON,—I see that (as reported) Mr M'Laren has stated that he had been forced to come to the conclusion that nothing but stopping spirit licences to grocers can check the facilities now given for drunkenness by our present system. This is exactly my own view, formed after very careful consideration. A great number of people, especially women, are, I thoroughly believe, induced to drinking habits by this system. They would be kept perhaps much from them if they could get no spirits except at a public house, for they may not like to be seen constantly frequenting one, and are thereby kept a little in check from that feeling alone, while to be seen often at a grocer's does not matter much, as the same kind of odium or stigma can not attach to that. Having for years also attended the licensing courts, I can corroborate also Mr M'Laren's statements as to the feeling which induces applications for grocers setting up being 'spirits and groceries' not 'groceries and spirits', for it has been constantly found that these parties have had to give up entirely unless a spirit licence was got. They say, and with truth, that the party who has the licence is certain to carry all the trade, and it is useless their trying to carry on as grocers, *bona fide* such. I look upon this not only as a premium to drinking, but as partial and unfair,—a discreditable way of favouring one man's pecuniary resources and crushing others.

I have already told you about the general little tipping outside—and perhaps too often inside, if the police had as much power of searching grocers' premises as public houses—that goes on, and the results.

R. B. WARDLAW RAMSAY.

P.S.—I am convinced that one grocer's licence does more to increase drunkenness than a dozen publichouses could do.

(40.)—For Evidence, see Q. 8959.

West Nicolson Street, Edinburgh,
10th December 1877.

To the Members of the Royal Commission
on Grocers' Licences.

GENTLEMEN,—I herewith return the proof-sheet of the evidence I gave, with very few alterations, and have only to add some curious facts regarding spirit.

I have seen malt whisky distilled in a Coffe's patent still, and the spirit made at such a high strength that all the essential oils were retained that is kept out of the manufactured spirit, and the market value of that spirit was in consequence very much lowered—in fact, it was no better than ordinary grain spirit; and I believe that if you were to re-distil our fine Highland whiskies, such as Islay, Glenlivet, &c., so as to free them wholly from the essential oils, the distinctive characteristics would be entirely lost. In brandy the same thing would be found. Take the finest of all brandy—that made in the Champagne district—which has about the same proportion of essential oil as our finest Highland whiskies, and is made in very much the same way, viz., that the still used is the common old-fashioned pot still. If that brandy was so distilled as to free

it from all those oils it would bring it to the level of the cheapest brandy, or no better than neutral spirit. It appears to me that while fusil oil, so called, may be injurious to the health in a concentrated form, it is not injurious in the minute proportions as found in whisky and brandy; a much larger proportion of these oils are found in ale and porter, and they are not considered unwholesome.

I am not sure, but I think, the small proportion found in whisky makes it more wholesome. Highly rectified spirit is harsh and unpleasant, and the improvement by keeping is almost nil.—I remain, gentlemen, yours respectfully,

ANDREW USHER.

(41.)

Teaninich Distillery, by Alness,
Ross-shire, 14th November 1877.

Provost Simpson, Inverness.

DEAR SIR,—As I already told you, I regret I was not able to attend to give evidence before the Commission on Grocers' Licences in Inverness last Tuesday, as I had something to say as to the importance of maturing whisky before going into consumption.

My ideas are partly embodied in a paper which I read several years ago before the Scottish Society of Arts—a copy of which I send you. You may perhaps think it worth the while to send it to the secretary. Since I wrote this paper I have learned more in the course of carrying on the manufacture of whisky. I can here only briefly allude to what I think the fallacy of the general opinion that 'fusil oil' is a simple body, the greater or smaller proportion of which in whisky modifies its quality. I believe on the contrary that there are a *variety* of chemical substances, generated by the process of fermentation, besides alcohol, of the nature of 'homologous alcohol' and 'compound ethers,' and that the composition of these, originally present, is changed, first in the process of distillation, and that processes of the same nature go on in the maturing of whisky in bond. The whole subject is a very difficult one, and I am afraid chemical science can scarcely grapple with it in a way to explain it fully.

Assuming, however, that fusil oils become modified as described, it explains matters of which the experienced distiller becomes well aware, viz.:

That the form of the stills, and the mode of conducting the distillation, has an important effect on the quality of the whisky, as new whisky.

That well distilled whisky matures sooner in bond than whisky not properly distilled.

That certain substances present in the casks in which the whisky is stored, notably the tartar deposited from sherry wine, facilitate the decomposition of the coarse and poisonous 'ethers,' &c., originally present, the whisky in consequence becoming more palatable and wholesome.

Allow me to express a hope that the Commission will see the importance of giving all facilities to traders for maturing whisky, and that they may recommend to the proper authorities to take measures accordingly—especially to charge a smaller rate for rent on whisky deposited in public duty free warehouses. The present scale of charges is high, and discourages the proper maturing of whisky in bond.—I remain, dear sir, yours truly,

J. M. G. ROSS.

(42.)

Glasgow, 1st December 1877.

DEAR SIR,—I duly received yours of the 29th ult., in answer to which I beg to send enclosed. I only regret that I was unable to give it verbally when the Commissioners was in Glasgow, as I would have been able to explain more fully and much better than I can do in writing. However, I trust although at the eleventh hour it may be of some little use to the Commission.—I am, dear sir, yours respectfully,

DUNCAN KENNEDY,
83 Green Street, Calton.

Mr W. J. Mure, Edinburgh.

To the Commissioners at present enquiring into the
working of Grocers' Licences.

GENTLEMEN,—Living convenient to a licensed grocer, there being one within twenty yards of my house, and having my attention drawn to the amount of drunkenness among women in this locality, and having on many occasions seen women coming from this grocer's much the worse of drink, and have on more than one occasion seen parties drinking at the counter of said shop—in fact, so much had this shop latterly assumed the appearance of a publichouse, that the groceries had entirely disappeared from the windows, and the only things to be seen denoting that it was a grocer's was a few canisters on one of the shelves in the shop. I was often astonished that no charge was made against this grocer for an infringement of his

licence, for the shop being situated at the corner of Stevenson Street and Kirk Street, a junction where policemen often stand, and in my opinion could not be ignorant of the fact that drink was daily consumed on the premises. I have mentioned to parties when passing that I was under the impression that policemen winked at the trade going on inside this shop; I might be mistaken, but that is still my opinion. That I did not myself make a charge against this grocer was only from the fact of its being so difficult to get witnesses to come forward to give evidence, knowing the numbers who frequented the shop, and who probably were prepared to come forward and state to the contrary; also from the fact of my being secretary of the ward committee would have gained for me an unenviable notoriety; however, this last consideration would not have had much weight with me could I have got parties to come forward to prosecute.

I have also seen children coming out of this shop with drink, which, from their age, they would not have been supplied with in a publichouse.

This shop has only been licensed for a few years, and upon what lines it was granted I cannot make out, as it could not be owing to the scarcity of publichouses, there being seven within a radius of 15 or 20 yards of this licensed grocer.

I may say that during the time your Commission was sitting in Glasgow this shop changed hands, from what cause I am not certain, although I have it on good authority that it was owing to bad debts; and whether it will now be conducted in a different manner I cannot say.

Again, in the locality where I am employed, which is close to the shipping, there is a licensed grocer, where I have from time to time seen innumerable numbers of women and children coming out with drink in jugs, &c., who from their appearance would not have been supplied in a publichouse.

I know a party who has been more than once summoned by a licensed grocer for debts incurred by his wife, the largest portion of said debts being for drink, and entered as goods, and he has twice allowed judgment to go by default rather than get himself affronted by appearing at the court. There were a number of similar cases to the above that came under my notice while acting as secretary and delegate of my trade society.

While engaged at my trade (the painting) in various parts of the country, I have seen many infringements of the grocers' licence by allowing drink to be consumed on the premises; among some of the places I might mention Campsie, Bathgate, Paisley, and Johnstone.

From what I have seen and heard I have come to the conclusion that there ought to be some alteration of the law dealing with the licensed grocers, and beg to offer the following suggestions that the selling of drink should be entirely separated from the selling of groceries.

1st. Because it has a tendency to demoralise the families of the masses of the people through their children being able to purchase and carry home drink while purchasing food.

2d. Because there are large numbers of working-men's wives who would shun to be seen entering a publichouse, and yet will enter a licensed grocer's without hesitation, and purchase drink and carry it home to be consumed in the presence of her children.

3d. Because it is an injustice to the unlicensed grocers in the same locality as the licensed one, as the latter is able to undersell the former in the way of groceries, owing to the profit derived from the liquor.

4th. Because they are not under the jurisdiction of the police the same as the publicans; also that their selling hours are not restricted the same as the publicans, and this to my mind is one of the great evils of licensed grocers, as I have known cases, and prepared to prove them, where working men going to their work in the morning have been supplied with drink, and even carried it out of the grocer's in the lid of their breakfast can, at six o'clock in the morning.

Should you not deem it advisable to recommend the severing of the two articles, then I would suggest that licensed grocers be not allowed to sell whisky in less than quart bottles sealed, and no beer or porter in less than pint bottles; also that they should come under the same jurisdiction as the publicans in regard to the police and the hours of opening and closing.

Were the former suggestion of separating the trades carried out, I am of the opinion it would not inflict any great hardship on those who are in the habit of sending their servant to order their drink at the grocer's, as it could be ordered (by note) at the publican's, and would be more than compensated by the amount of good it would do to the masses of the people were grocers' licences abolished.

I have read the evidence given before your Commission in Glasgow, more especially that given by ex-Lord Provost Bain and Mr A. Macdonald, M.P., and I am perfectly

certain that ex-Provost Bain was mistaken when he said that the masses of the people were in favour of grocers being licensed; for coming in contact daily with the parties to which he referred, in trade unions, friendly societies, and co-operative societies, I can say without hesitation that they are not in favour of licensed grocers, but quite the reverse, as they believe they cripple the growth of both friendly and co-operative societies, which are now happily increasing.

I readily endorse the evidence of Mr Macdonald, M.P., as to the increased thrift of the working-class and the decrease in drinking among them. I do so not only from the statistics which he produced, but also from the fact that there was a decrease of about fifty-six millions in the pauperism of the country last year, although it was one of great depression in trade.

I can also bear testimony to the improved condition of the working-class this some years back, and from personal observations deny the statement that the drinking habits of the working-class are increasing.

However, I am of the opinion that more than sufficient inducements exist in the publichouse for encouraging drunkenness without creating more in the form of licensed grocers.

I believe it would be to the benefit of the country generally were they abolished.—I am, gentlemen, your obedient servant,

DUNCAN KENNEDY, Painter,
83 Green Street, Calton, Glasgow, at present
Secretary of the Glasgow United Trades'
Council.

To the Royal Commission on
Grocers' Licences, Edinburgh.

(43.)—Put in by Mr Livingston, Q. 2794, 2826.

STATEMENT and SUGGESTIONS submitted for the consideration of the Edinburgh Chamber of Commerce and Manufactures at its Meeting on Tuesday, the 12th March 1872, by the Committee appointed on 'the Licensing System.'

There are some material differences between the systems under which 'the trade' is carried on in England and in Scotland which make conjoined legislation difficult, and probably unadvisable; and hence it may be as well that we direct our attention solely to that which comes under our own observation in our own country.

The licences for the retail of liquors are of several kinds:—

1. The hotel licence, which empowers its holder to open his house for the accommodation of *bona fide* travellers at all times.

2. The publichouse licence, which entitles the holder to sell drink to be consumed either out of or on the premises between 8 A.M. and 11 P.M. of each lawful day.

3. The grocer's licence, by which liquor can be sold at the same hours, but not to be consumed on the premises.

4. A licence granted by the Inland Revenue for the sale of porter, ale, and beer not to be consumed on the premises, and the cost of which is £3, 6s. 1½d., whatever the rent of the premises may be.

5. A licence also granted by the Inland Revenue for the sale of table beer, at a price not exceeding 1½d. per quart, the cost of which is 5s.

The cost of licence for the retail of spirits and beer, is

For houses rated under £10 a-year,	£4	4	0
" " at £10 and under £20 a-year,	5	5	0
" " at £20 " £25 "	9	9	0
" " at £25 " £30 "	10	10	0
" " at £30 " £40 "	11	11	0
" " at £40 " £50 "	12	12	0
" " at £50 and upwards	13	13	0
And for the sale of wine, in addition	2	4	1

The first three of these can be procured only by application to the licensing court, which consists in burghs of the magistrates, and in counties of the district justices, whose decisions are subject to the review of the quarter sessions. But the two latter classes are granted by the Inland Revenue without any question, and without being subject to the licensing court in any way. In fact, a house which is described by the police authorities as one of the worst houses in Edinburgh, which is the known resort of thieves and prostitutes, has received this porter, ale, and beer licence, on simple application and payment of the money over the counter of the office of Inland Revenue.

In the year 1854, what is known as the Forbes M'Kenzie Act became law in Scotland, the effect of which was practically to close on Sundays, and before 8 A.M. and after 11 P.M. on all other days, all houses holding licences Nos. 2 and 3.

By universal admission the effect of this Act has been salutary on the whole, and the diminution of cases of 'drunk

and disorderly' brought before the police courts, and the increased quiet of the streets on Sundays, are evidence of the good effect produced by it; but, on the other hand, there is no doubt that, since the passing of this Act, a large illicit trade has sprung up, which is called shebeening. This trade, which is always conducted by persons of bad character, is known to be large, and the houses in which it is carried on are centres of every kind of evil, and in Edinburgh the police have not hitherto succeeded in putting down the traffic.

It is well to state in regard to this trade, that it is not alleged that shebeens are caused by the restriction in the number of publichouses, all concur in stating that they are encouraged on account of the restriction in the hours of the trade. Yet no one who is looked on as an authority has seriously proposed to extend the hours or to open the publichouses on Sundays in Scotland.

There is a general understanding that over and above what is necessary for purposes of revenue from the proceeds of licences, the houses in which drink is sold should be under the regulation of laws specially relating to that class; that licences should be issued on some recognised principle, and the holding of them should be contingent on the good character of the dealer and the suitability of his house; and the question in regard to which there is difficulty chiefly, is the principle on which they should be granted, so as most to conduce to the public good.

There is not much difficulty in the case of hotels. When these are established really for the up-putting of travellers, the amount of demand will regulate the number of applications. When this licence is sought as a blind for the purpose of selling liquor at illegal hours, and on Sundays, the local knowledge of the magistrates, assisted by the police, will suffice either to ensure refusal of the application, or to procure conviction and deprivation of certificate if the law be broken. Nor is there much difficulty as to 'grocers' licences;' no increase of them will materially increase the consumption of liquor if they do not break the law by selling for consumption on the premises; and systematic breach of this provision is easily discoverable, and should be punished in every case by fine and loss of licence. The grand difficulty is in the case of publichouses.

There might be more harmony as to the granting and regulation of this class of licences if there were more agreement as to the effects of them on the consumption of liquor, and on the public morality and health.

It is maintained on the one hand, that houses for the sale of drink can be maintained only by the demand which exists for the drink; that the supply does not create the demand, but that it is the demand which regulates the supply, and that the restriction of the number of licensed houses will not materially diminish the consumption. On the other part, it is maintained that this traffic is altogether exceptional to the ordinary law of 'supply and demand,' that in this case supply does create demand, and that when the sources of supply are limited, the demand is diminished in nearly, though not quite, equal ratio.

There is then this practical difference between those holding these different opinions, that the one, while honestly desiring that the trade be properly regulated, think that the restriction of licensed houses is not a necessary part of the system of regulation, while the other party think it not only a necessary part, but the chief means of preventing undue and hurtful consumption.

Those on the one side point to shebeens as evidence that demand will create supply legally or illegally; the other side hold that the excess of licensed houses does so stimulate the demand by increasing the temptation to drink, that this will supply itself when opportunity is afforded even in an illegal and discreditable manner. And for confirmation of this they point to the known fact, that the districts wherein most publichouses exist have, at the same time, the greatest number of shebeens.

There is probably a good deal of truth in the arguments on both sides. There is a certain demand which will supply itself whether there be only one shop in a district or whether there be ten; but on the other hand, there is no doubt that the attractions of the publichouse, when continuously presented, are a temptation to which many will succumb who would not have sought for it, and that thus men are induced to spend on drink the money which ought to go towards the comfortable maintenance of their families; which is the great producing cause of pauperism and destitution.

But most who are conversant with the subject, while holding these opposite views, are yet agreed that to some extent (although they differ as to the extent), licences should be regulated and restricted as regards the number in the different districts; and so far as can be judged, there is no difference of opinion on this, that the persons obtaining licence should be approved in regard to character and qualification for the business, and that the houses should be approved of as adapted for carrying on a legitimate trade.

There are differences, however, regarding the matter of arriving at a decision as to what dealers and houses should be sanctioned; at present the decision rests with the local magistrates and justices. Some, whose opinions are entitled to weight, think it would be better to commit the trust to the Sheriff, the local stipendiary magistrate.

There may be cases in which local disputes will run so high as to interfere improperly with the question of licences; but, apart from the consideration that a stipendiary magistrate is not always exempt from such influences, it may be taken as a rule that local magistrates will always be more anxious to give effect to the public feeling in a district, and that the real wants of the population will be generally more correctly gauged by them, seeing that they hold property in, and are personally interested in the welfare of, the district, than by a lawyer, who, however able and conscientious, has no personal sympathy with the people, and no direct interest in the prosperity of the locality.

If the local magistrates, then, are to be the judges, what principles are to guide them in granting the licences?

It must be provided, as a first essential, that the houses thus licensed be protected against competition from unlicensed houses; that powers be given to the magistrates and police so as to enable them effectually to put down all illicit traffic in intoxicating liquors, and that it be provided with this view, that in any trial before a magistrate or magistrates of persons in regard to whom there is good cause to believe that they carry on that traffic, it shall not be necessary to lead direct proof of sale and purchase, if the court on hearing the evidence, circumstantial or other, be satisfied that a transaction of the nature of a sale actually took place, or that illicit consumption was going on.

Seeing that owners of houses frequently suffer innocently from their tenants, in defiance of them, using their property as shebeens, and that it is frequently difficult to ascertain who is the real occupant of the house where such a trade is carried on, it should be provided that on a second conviction for illicit traffic in excisable liquors on any premises, the owner thereof shall have power to terminate the occupancy of his tenant; and in case of further conviction of the same crime on the same premises, the owner shall be held to be the occupant, and shall be liable accordingly.

It should be provided also that, as concerns spirits, porter, ale, and beer, no licence for sale by retail be grantable except by the magistrates, thus entirely abolishing the licences Nos. 4 and 5.

A second conviction of breach of certificate should necessarily involve loss of licence.

The cost of licence should be considerably increased, with the view of restricting the number of applicants to those whose means and character would be a guarantee that their houses would be well conducted; and the heavy pecuniary loss by the forfeiture of licence would make them all the more carefully guard the character of their house. This increase in cost of licence might be imposed in whole or in part by altering the scale of rental on which licence duty is charged, and it might be provided that no licence be granted to houses under a rated rent considerably greater than is authorised under the present state of the law, and that the minimum rental of houses to be licensed should be proportioned to the population of the locality.

A good deal of discretion will, however, require to be exercised in regard to the price of licence (else, if it be made excessive, a new class of shebeens may arise, caused not by restricted hours, but by restricted number of public houses).

The licensing magistrates should, in accordance with the Act 22 and 26 Victoria, 1862, cap. 35, be empowered in the approval of premises to have regard to the effects of the granting of such licence on the value of the houses or properties adjoining, and to the duly expressed objections of proprietors and inhabitants of the district.¹

There would require to be a change in the manner of certifying the suitability of a shop for licence: at present, the owner or tenant making application must fit up the

¹ Act 25 & 26 Victoria, cap. 35:—Section 11. "Any person, or the agent of any person, owning or occupying property in the neighbourhood of the house or premises, in respect of which any certificate, or renewal of any certificate, shall be applied for, may object to the granting or renewal of such certificate, by lodging at any time not less than five days before the general meeting of the Justices of the Peace, or Magistrates of the county, district, or burgh, for the granting and renewal of certificates where such house or premises shall be situated, with the Clerk of the Peace, or Town-Clerk, as the case may be, notice in writing to that effect, signed by such person, or his agent, specifying the grounds of such objection, which objection shall be heard at the then ensuing general meeting; and if such objection shall be considered of sufficient importance by the Justices of the Peace or Magistrates in such general meeting, and shall be proved to their satisfaction, the said certificate shall not be granted or renewed.

"Provided always, that no such objection shall be entertained, unless it shall be proved or admitted that the person so objecting or his agent, did, at least five days before such general meeting, deliver, or cause to be delivered, to the person applying for such certificate a copy of the aforesaid notice."

shop exactly as it is to be when licensed and carrying on the trade, before he can receive the magistrates' certificate, without which the court cannot consider any application. It is hence quite possible, and the cases are very frequent, when, after large sums have been spent on the internal fittings suited for this particular trade, and for it only, the licence has been refused, and the whole money practically wasted. It would be sufficient were it provided that, in any application for new licence, the magistrate should inspect the house with plan of fittings proposed and signed by the applicant, and that if these be approved, provisional licence *may* be granted subject to the fittings being made, conform to the plan at the sight of an authority to be appointed by the magistrates.

Every holder of a licence should be entitled to an annual certificate for its renewal without giving any notice or appearing in person before the licensing court, unless he shall have received due notice of an intended opposition.

The committee now respectfully submit this report, with the view, if the suggestions shall receive the approval of the Chamber, to their being laid in the proper manner before Her Majesty's Government, for consideration in the framing of a Licensing Bill for Scotland.

(44.)—Put in by D. M. Mackay, Q. 761.

Quotation from the Report of the Superintendent of Police in Dundee for the year 1867.

'The police do not find so much difficulty in detecting publicans and shebeen-keepers for contravening the Publichouses Acts as they do in detecting grocers who deal in spirits. There is no doubt that many of them (there are a few exceptions) systematically contravene the terms of their certificates by selling exciseable liquors and permitting the same to be consumed on the premises.

'The schemes adopted for evading the police are so varied by the way in which their premises are ingeniously fitted up, and the manner in which the officers are watched while inspecting their shops, that it is exceedingly difficult to detect them.

'In short, this system of consuming on the premises is reduced to a science, so that I am of opinion, in common with many others, that nothing will effect a radical cure in this branch of the licensing system but a change in the law.'

(45.)—Put in by Mr List, Q. 998, 1016.

Rules and Regulations for granting Certificates in the County of Haddington.

1. That a licensing committee of justices of peace for the county, consisting of ten or twelve members, be appointed at each October sessions.

2. That the chief constable shall report, in writing, to the committee regarding the character or conduct of applicants for certificates or transfers, and the accommodation in premises for which certificates are craved for inns and publichouses.

3. That the licensing committee shall report at the licensing courts upon all applications.

4. That the clerk be directed to prepare for the April meeting for licensing a printed abstract of the number of licences granted at each place in the county, showing the number in each district for two years preceding the date of meeting, together with an abstract of the number of applicants for the then ensuing year, distinguishing the number of male from female applicants, and if married or unmarried.

5. That the whole new applications for each particular place be at each meeting stated before a determination is come to to grant or refuse any or all of them.

6. That when persons holding certificates remove from licensed premises and make application for a licence for new premises, such application shall be dealt with as a new application, but it shall not be necessary for the applicant to produce certificates of character and qualification.

7. That persons claiming for the first time in their own name, or having previously held licences in terms of a transfer, shall be enrolled not only at the October meeting, but also at the meeting in April following, as new applicants.

8. That no additional number of licences be granted at any particular place, or for any particular parish or district, unless on the ground of a strong necessity existing for such additional accommodation.

9. That all licences shall be granted for the accommodation of the public, and not for the purposes of charity to individuals.

10. That, except under very special circumstances, no new certificate shall be granted until the licensed houses be reduced to the number stated in the appendix, which has been decided by the justices as amply sufficient for the

accommodation of travellers, and for supplying the reasonable requirements of the inhabitants.

11. That the licences for each parish or district to be granted for inns or hotels, publichouses, and grocers respectively, shall be regulated as nearly as possible as is set forth in the appendix.

12. That no new certificates, except under particular circumstances, shall be granted for premises in Tranent, Linton, and Prestonpans, and other large villages in the county, which are not worth the yearly value of £10, or in other more remote places, to premises which are not worth £7 yearly value; which shall, in all the above cases, be determined, if possible, with reference to the assessment for public burdens, and not by the rent as fixed between landlord and tenant.

13. That no transfer of certificates shall, except in very particular circumstances, be granted until the number of licensed houses be reduced as aforesaid, except to the near relatives or other parties having an interest in the premises where the original holder of the certificate is deceased; and it is recommended that all applications for transfers shall be referred to the licensing committee, and applicants for transfers shall produce satisfactory certificates of character.

14. That where there are more applications than one for certificates in a particular town, village, or district of the county, a preference shall be given, *First*, to the premises having stables and other accommodation for travellers; and, *Secondly*, to premises of the greatest value.

15. That in certificates for inns, hotels, and publichouses, the hour to be inserted for opening shall be six o'clock in the morning.

16. That when a person applies for a certificate for an inn or hotel, and it appears there is not sufficient accommodation in the premises, as specified in the Act 25 and 26 Vict., cap. 35, sec. 37, certificates for a publichouse may be granted without a fresh application.

17. That certificates shall not be granted for inns or publichouses to persons having an interest in shops where groceries and victuals, to be consumed off the premises, are sold under the same roof, or so as to evade the provisions of the Act.

Regulations as to special permissions to keep inns and publichouses open during particular times, and for the sale of exciseable liquors at races, rouses, &c., made by the Justices of the Peace at the licensing meetings in April 1863, under 25 and 26 Vict., cap. 35, sec. 6.

1. That such permissions shall only be granted to persons who hold licences for premises situated within the county.

2. That all applications shall be made on printed forms, to be furnished by the police-constable at each police station, for which a fee of 2s 6d sterling shall be payable to the justice of peace clerk, who will provide such printed forms.

3. That all such applications shall be forwarded to the clerk of the peace at least six days before the date for which the permission is required, and the application shall be by him laid before the justices entitled to grant such permissions.

4. That all such applications shall state the precise object and nature of the special entertainment for which permission is desired, and the particular premises for which the permission is desired if other than the premises for which the applicant holds a licence; also, the time for which it is wanted, and, if after 11 o'clock P.M., the ground on which such permission is craved.

5. That the chief officer of police, with whom such special permission must be lodged, shall in each case report to the procurator-fiscal and to the justices who grant the permission the manner in which it has been used.

(46.)—Put in by Mr Bremner, Q. 1192, 1208.

Rules and Regulations as to granting Certificates for the Sale of Exciseable Liquors, &c., adopted by the Justices of the Peace for the County of Fife.

1. That every applicant for a certificate for licence to sell any exciseable liquors shall fill up and lodge with the clerk of the licensing court, by the time specified in the Act, a printed schedule to be furnished by the clerk on application. In the case of 'renewals' of certificates to the same individual for the same house as was previously licensed the applicant shall fill up and lodge a 'renewal' schedule. In the case of 'new applications,' which shall include all cases where the currency of the licence has expired, or the licence has been withdrawn, or where for any reason the individual applying for the certificate is different from the individual to whom the certificate was granted at the previous licensing term, or where the same individual applies for a certificate for different premises, the applicant shall fill up and lodge a 'new application'

schedule. The 'new application' schedule must in every case be accompanied by a justice's report, and certificate of character and qualification—both of which are appended to the schedule—without which it is not lawful for the licensing court to grant a certificate.

2. That with the view of diminishing the number and improving the character of houses for the sale of excisable liquors, and of securing a better apportionment thereof in the different districts in the county, committees be appointed consisting of the Sheriff and Sheriff-Substitutes, and of justices of the peace selected from the different landward districts of the county, for the purpose of ascertaining and fixing the maximum number of houses to be licensed in the landward part of each parish; and that the number so fixed shall be reviewed every three years by committees similarly appointed; and that the different licensing justices be recommended to grant no 'new application' for a certificate in that parish, except in very special circumstances, until the number of licensed houses shall be reduced below the number so fixed; and also to refuse the renewal of a certificate to any individual who shall be convicted for a second time of any offence under the statutes; also, not to alter grocers' certificates to publichouses, without careful consideration of the change being necessary, and that the premises are suitable.

3. That as females are unable, in many cases, to maintain order in publichouses, or to clear them at the proper hours, no new certificate shall be granted to any female, except in very special cases.

4. That at the licensing court in April of each year, all parties holding licences, and all parties seeking transfer of licences, or new licences, be expected to attend in person; and at the licensing court in October, all parties seeking transfers of licences, or new licences, be expected to attend in person.

5. To recommend that justices do, as a rule, decline to license houses having back and side doors, to which access can be had from the public thoroughfare.

(47.)

Returns from Co-Operative Stores and Licensed Grocers in a Mining District, showing Sales.

26th October 1877.

SIR,—The following are the returns of drawings as given to me from ——— Store, occupied by ———, and from ——— Store, occupied by ———, during the years 1872 and 1877.

——— Store.			
Cash drawn for spirits in 1872,	.	.	£416 14 0
Do. do. " " 1877,	.	.	211 10 0
——— Store.			
Drawings for spirits in 1872,	.	.	£500 0 0
Do. " " 1877,	.	.	257 0 0

No returns for Provisions can be got from any of these two Stores, and the returns for spirits has been taken from the Excise Book or Spirit Book kept at each store. I also attach the statements sent me from ——— and ——— stores, just as I got them.

I may mention that the parties furnishing these statements did so on the faith that their names and the names of their places of business be not made public.

———, Supt.

From a Co-Operative Society.

26th October 1877.

Mr ———
Superintendent of Police.

DEAR SIR,—In compliance with your request to our alesman, Mr ———, to be furnished with a statement showing amount of cash drawn from groceries and spirits respectively by us during years 1872 and 1877, I beg to hand you the following:—

Cash drawn for goods, '12 months,' 1872,	£5695 11 1
" " spirits, all kinds, "	656 3 9
	<u>£6351 14 10</u>
Cash drawn for goods, '9 months,' 1877,	£3498 14 0
Do. " spirits, " "	413 6 0
	<u>£3912 0 0</u>

As the drawings for groceries and spirits are not kept separately, it is impossible to give the exact figures, but what I have sent you is pretty near correct.—I remain,

——— P Co-Operative Society.

October 17, 1877.

DEAR SIR,—Agreeably to your request, I have carefully gone over my books for the years 1872 and 1877 to this date, and after deducting the following goods—drapery, boots and shoes, powder, grain, wines, porter and ales—find that the percentage of liquors, viz., whisky, brandy, gin, and rum (collectively) sold, to groceries for 1872 is 21 per cent, and for 1877, 17 per cent.

I may state, however, that I have several customers who are total abstainers, and do not purchase licensed liquors, and others again who are customers for spirits but get their groceries elsewhere.—I am, dear sir, very truly yours.

Statement by Merchant of cash drawn for provisions and spirits in each year, from 1872 to and with September 1877:—

	Provisions.	Spirits.
1872, . . .	£3317	£857
1873, . . .	4283	1242
1874, . . .	3063	1573
1875, . . .	2817	899
1876, . . .	2890	811
1877, to September	2110	550

The above is as near a correct statement as I can give, after deducting cloth, boots and shoes, ironmongery, powder, oils, &c.

The figures show a large proportion of sales in spirits to groceries and provisions, but it must be remembered it has not all been consumed in this village, as I have in these years sent a considerable quantity of spirits and no provisions to many towns in Scotland, as well as a little to England. I may also mention that my shop is adjoining the Co-operative Society's, and a great number of their members, when there making their purchases, call on me to have their bottle filled.

1874 shows a large proportion, and I account for it in this way, that my grocery and provision trade was very much inconvenienced by alterations being made on my premises, while my spirit trade was increased in other towns.

P.S.—The spirits include brandy and gin.
15th October 1877.

Return of Provisions and Spirits sold by ———, grocer, ———, for last six years.

Year.	Number of Gallons of Whisky	Average Price.	Value in round Numbers.	Value of Provisions	Total.
1872, . . .	724	16/	£579	£4106	£4685
1873, . . .	1051	"	840	4516	5386
1874, . . .	1616	"	1242	4722	5964
1875, . . .	1248	"	998	4614	5612
1876, . . .	1042	"	833	4443	5276
Nine months ending Nov. 30, 1877,	648	"	518	3464	3982

Statement by Merchant of cash drawn for groceries, &c., and spirits in each year, from 1872, to and inclusive of September 1877:—

	Groceries and Provisions, Spirits, &c.
1872, . . .	£3479
1873, . . .	4279
1874, . . .	3820
1875, . . .	3907
1876, . . .	3104
1877, . . .	1847

The above is a correct statement of the relative sales of groceries and provisions and spirits, &c.

(48.)

Statistics of the Liquor Traffic.

To the Editor of the *Glasgow Herald*.

SIR,—The increasing consumption of spirituous liquors in this country, and the praiseworthy efforts of many socie-

ties and individuals to suppress the evil, is the best excuse for any endeavour to throw light on a subject of so much importance. Since 1843 the large receipts of gold from California and Australia have increased the trade of the whole world, and the general prosperity of this country in particular, to an extent beyond what could have been anticipated by the most sanguine speculator. This is the bright side of the question, but the dark is in the corresponding increase of the drinking habits of the labouring classes; advanced wages and shortened hours of work have given them more money and time to spend in public houses, thus proving a curse to many rather than a blessing. There are parties both in and out of Parliament who advocate the abolition of the Malt Tax, yielding annually a revenue of nearly £8,000,000. In England beer is consumed to a much greater extent per head than in Scotland or Ireland, towards which the abolition of the tax would be unjust, without the abolition also of the duties on other spirituous liquors; the effect of which would probably be to reduce the cost, but increase consumption, which no sound-thinking man can desire to see; and as these various articles yield an annual revenue to the country of above £32,000,000, there is little chance of such a sacrifice being made by any Government, whether Conservative or Liberal. No taxes are more justifiable than those on intoxicating liquors and tobacco, neither being necessities of life, and both more detrimental than beneficial to health. It is a

disgrace to this country that the duties on these pernicious articles yield an annual revenue of nearly £40,000,000, being more than half the entire national expenses, and if beer was assessed according to the alcohol contained in it, as done with other spirituous liquors, it would do more than double that amount. The following figures, derived chiefly from official returns, will show more clearly the correctness of these statements, but with regard to spirituous liquors some explanations are necessary. 1st, The quantities of foreign spirits and wine on which duties were paid not being given separately for the different countries, the average of the kingdom is assumed for each. 2d, No means are afforded of ascertaining the quantities removed from one part of the kingdom to another after duties are paid, but the Board of Inland Revenue having estimated the interchanges as regards beer nearly to balance each other, the same is probably the case with other articles. 3d, The quantity of proof spirits in beer has been estimated by some brewers and distillers at two and a half gallons per bushel malt, but others having considered two gallons to be nearer the average, that quantity has been assumed. 4th, Sugar for brewing, cider, perry, &c., which are largely consumed in England, are not included in the calculations. 5th, The Board of Inland Revenue returns not being yet published for 1875, some of the figures for that year may not prove perfectly correct, but, being derived from other sources, they will not be far wrong:—

Increase of Trade and Consumption in United Kingdom.

Years.	Population.	Sugar.		Tea.		Cotton.		Rice.		Cocoa.		Foreign Wool.	
		Tons.	Lbs. per head.	Lbs.	Lbs. per head.	Lbs.	Lbs. per head.	Tons.	Lbs. per head.	Lbs.	Lbs. per head.	Lbs.	Lbs. per head.
1843	27,283,000	201,416	16-54	40,243,393	1-47	633,573,116	23-22	12,760	1-01	2,547,934	0-09	46,381,811	1-70
1859	28,396,000	457,449	36-09	76,382,008	2-69	1,050,845,336	37-01	65,334	5-15	2,490,967	0-12	104,267,884	3-67
1875	32,400,000	942,703	65-17	145,458,120	4-36	1,233,200,864	38-06	168,687	11-66	2,973,926	0-31	189,059,359	5-64
Years.	Population.	Tobacco.		Ships in Foreign Trade Inwards.		Value of Importations.		British and Irish Produce Exported.		Expenditure on Railways.		Income and Profits Taxed.	
		Lbs.	Lbs. per head.	Tonnage.	Ton. per head.	£	Per head.	£	Per head.	£	Per head.	£	Per head.
1843	27,283,000	23,012,637	0-84	4,847,296	0-18	No return.	...	52,206,447	38/3	60,637,100	44/5	Not taxed.	...
1859	28,396,000	34,791,361	1-23	11,231,922	0-40	179,182,355	126/3	130,411,529	91/0	328,319,100	331/3	255,666,968	206/11
1875	32,400,000	47,026,912	1-45	19,027,827	0-58	373,941,126	230/10	223,484,570	136/	600,000,000	370/4	490,000,000	312/6

Increase in Consumption of Spirituous Liquors.

	Year.	Population.	MALT FOR BEER.			SPIRITS.			W.			Total Gallons as proof Spirits per head.		
			Total Bushels.	Per head.		British.		Foreign.	Foreign.					
				Bushels.	As Beer at 15 gals. per Bushel.	As Spirits at 2 gals. per bushel.	Total Gallons.	Gals. per head.	Total Gallons.	Total Gallons.	Gals. per head.		As Spirits at 83 per cent.	
United Kingdom.	1843	27,283,000	23,537,824	1-05	15-75	2-10	18,864,339	0-65	3,155,975	0-12	6,068,967	0-22	0-07	2-94
	1859	28,396,000	41,496,812	1-46	21-90	2-92	22,608,480	0-80	4,562,853	0-16	7,262,965	0-26	0-09	3-97
	1875	32,400,000	59,722,561	1-84	37-60	3-68	30,644,760	0-95	11,782,650	0-36	17,349,370	0-54	0-18	5-17
England.	1843	16,246,000	26,666,866	1-63	24-45	3-26	7,724,051	0-47	Aver. U.K.	0-12	Aver. U.K.	0-22	0-07	3-92
	1859	19,471,500	37,928,165	1-95	29-25	3-90	11,860,196	0-61	"	0-16	"	0-26	0-09	4-76
	1875	23,450,000	53,661,020	2-29	34-35	4-58	13,458,938	0-58	"	0-36	"	0-54	0-18	5-70
Scotland.	1843	2,688,000	819,553	0-30	4-50	0-60	5,593,798	2-08	Aver. U.K.	0-12	Ayer. U.K.	0-22	0-07	2-87
	1859	3,027,770	1,420,645	0-47	7-05	0-94	5,324,875	1-76	"	0-16	"	0-26	0-09	2-95
	1875	3,600,000	2,840,212	0-79	11-85	1-58	9,226,312	2-56	"	0-36	"	0-54	0-18	4-68
Ireland.	1843	8,249,000	1,081,405	0-12	1-80	0-24	5,546,483	0-67	Aver. U.K.	0-12	Aver. U.K.	0-22	0-07	1-10
	1859	8,690,800	2,146,502	0-26	5-40	0-73	5,413,409	0-92	"	0-16	"	0-26	0-09	1-69
	1875	8,850,000	3,231,329	0-60	9-00	1-20	7,929,500	1-48	"	0-36	"	0-54	0-18	3-22

These figures show that since 1843 the consumption of spirituous liquors has increased 75 per cent. in the United Kingdom—45 per cent. in England, 65 per cent. in Scotland, and 200 per cent. in Ireland, and give the following as the estimated expenditure on same in 1875. The prices assumed may be considered moderate, the greater portion having been sold by publicans in small quantities at retail rates. Beer is estimated at 15 gallons per bushel malt on the quantities previously shown for each country:—

UNITED KINGDOM.

	Galls.	Per Head.
Beer	895,838,415 at 2/ =	£89,583,841
British Spirits .	30,644,760	
Foreign do. .	11,782,650	
Wine	17,349,370	

59,776,770 „ 20/ = 59,776,770

£149,360,611 or 92/2

ENGLAND.

Beer	804,915,300 at 2/ =	£80,491,530
British Spirits .	13,488,938	
Foreign do. .	8,527,870	
Wine	12,556,950	

34,573,758 „ 20/ = 34,573,758

£115,065,288 or 98/1

SCOTLAND.

Beer	42,603,180 at 2/ =	£4,260,318
British Spirits .	9,226,312	
Foreign do. .	1,309,180	
Wine	1,927,750	

12,463,242 „ 20/ = 12,463,242

£16,723,569 or 92/11

IRELAND.

Beer	48,319,935 at 2/ =	£4,831,993
British Spirits . .	7,929,500	
Foreign do. . . .	1,945,600	
Wine	2,864,670	
	12,739,770 „ 20/ =	12,739,770
		£17,571,763 or 65/8

There is an unfairness in the rates of duty now charged on spirits compared with that on malt for beer, which favours drinkers in England more than those in Scotland and Ireland. According to last official returns the amounts paid in each of the countries were as follows, exclusive of the tax on licences, &c.:—England, £21,582,095, being 18s. 5d. per head, or 3s. 3d. per gallon on the 5·70 gallons consumed; Scotland, £4,523,998, being 25s. 2d. per head or 5s. 4d. per gallon on the 4·68 gallons consumed; Ireland, £3,976,949, being 14s. 10d. per head, or 4s. 7d. per gallon on the 3·22 gallons consumed. To place the three on an equality there ought to be either a reduction on spirits or an increase on malt.—I am, &c., FRANCIS REID.
Elm Bank, Roseneath.

(49.)—For Evidence, see Q. 323.
23 York Place, Edinburgh,
12th October 1877.

DEAR SIR,—In the view of the Commissioners asking as to the increase of the licences to grocers on which I was in-

formed they desired information from me, I prepared a statement from official documents as to this, and showing the proportion to the population each such licence had, as appearing to me that this was the real test of increase. The Commission informed me that they had obtained sufficient evidence on numbers, and consequently I did not lay the state before them. In view, however, of certain statements which have been made before the Commission as to the large increase of the number of grocers' licences, I have been asked by some of my fellow magistrates and others to lay the statement prepared by me before the Commission. I accordingly now enclose it, and will be obliged by your submitting it to the Commission, that if they think right it may be added to the evidence tendered by me.—I am yours very truly,
JOHN TAWSE.
W. J. Mure, Esq.

Table showing since 1854—when the Forbes McKenzie Act came into operation—the number of certificates granted for the sale of exciseable liquors annually in the City of Edinburgh, distinguishing those for hotels, public houses and grocers; the proportion of these licences to the population in each year; and the number of convictions obtained in each year for breach of certificate:—
In estimating the population for the years intervening between the census years of 1851, 1861, and 1871 the numbers given in this table have been computed by adding to each year one-tenth of the increase of the population between the respective periods, and the same ratio of increase has been added to each of the years after 1871 as in the years between 1861 and 1871.

(49a.)

Year.	Population.	Number of Certificates.				Proportion of Population.			No. of Convictions.		
		Hotels.	Public Houses.	Grocers.	Total.	Public House.	Grocer.	Total.	Hotels.	Public Houses.	Grocers.
1854	162,648	47	511	326	884	318	499	184	3	48	10
1855	163,430	47	424	358	829	386	457	197	4	56	34
1856	164,212	52	393	351	796	418	468	200	2	25	13
1857	164,994	50	352	351	753	467	470	219	3	8	11
1858	165,776	51	350	336	737	474	493	224	1	1	3
1859	166,558	50	350	345	745	476	482	223	5	17	23
1860	167,340	47	348	358	753	481	467	222	5	5	8
1861	168,121	48	340	357	745	474	471	225	2	13	9
1862	171,006	47	332	362	741	515	472	230	1	2	8
1863	173,891	45	339	373	757	513	466	230	1	5	9
1864	176,777	43	345	389	777	512	456	227	...	4	15
1865	179,663	45	347	402	794	518	447	226	2	12	4
1866	182,549	44	357	420	821	511	434	222	1	4	6
1867	185,345	41	358	430	829	518	431	223	3	4	5
1868	188,321	43	354	436	833	532	432	226	6	8	20
1869	191,207	39	353	442	834	545	433	229	1	5	5
1870	193,983	39	352	446	837	551	435	232	1	6	9
1871	196,979	42	358	466	866	550	421	227	2	6	6
1872	199,864	43	354	475	872	565	421	229	7	11	6
1873	202,749	43	351	490	884	578	412	229	2	1	6
1874	205,635	45	350	491	886	588	419	232	1	3	7
1875	208,526	45	349	483	876	597	432	238	1	4	6
1876	211,412	47	347	485	879	609	431	241	3	5	5
1877	214,298	48	342	480	870	627	447	246	...	...	...

(50.)—For Evidence, see Q. 1.
City Chambers, Edinburgh,
12th October 1857.

1866–67, '68, '69, 70, '71, '72, '73, '74, '75, '76, '77.
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SIR,—In reply to your letter of 11th instant, addressed to Mr Morham, and which he has handed to me as city clerk, I have to inform you that the number of grocers' certificates granted by the magistrates to persons applying for publichouse certificates, for the period from April 1866 to April 1877, is as under:—

—I am, Sir, your most obedient Servant,
WM. SKINNER, Town-Clerk.
W. J. Mure, Esq., Secy., Grocers' Commission,
12 Ainslie Place.

(50a).—Put in by Mr Skinner.

Copy.

TABLE, framed by Mr Clark of the Licensing Department of the Town-Clerk's Office, Edinburgh, shewing—since the Forbes M'Kenzie Act came into operation in 1854—the number of Certificates granted for the Sale of Excisable Liquors annually in April for the City of Edinburgh; the number of Publichouse Certificates in excess of those of Grocers, and *vice versa*; the proportion of the Population for whom there is a Certificate; the number of Persons apprehended for Crimes, and the number of whom who were found Drunk when so apprehended; the number of Persons found Drunk and Incapable in the Streets, and the percentage the three last respectively bear to the population of the City.

Year.	Population.	No. of Certificates granted in April.	Proportion of Population for whom there is a Licence.	No. of Publichouses in excess of Grocers.	No. of Grocers in excess of Publichouses.	No. of Persons apprehended for Crimes, and of those who were drunk when apprehended.		No. of Persons found drunk and incapable in the Streets.	Percentage of Population apprehended for Crimes.	Percentage of Population drunk when apprehended for Crimes.	Percentage of Population found drunk and incapable in the Streets.
						No. apprehended.	Whereof No. drunk when apprehended.				
1854	† 162,648	884	184	185	...	7,968	3,566	5,183	4.9	2.19	3.18
1855	163,430	829	197	66	...	7,159	3,081	5,014	4.38	1.88	3.06
1856	164,212	796	200	42	...	6,959	2,766	4,970	4.23	1.68	3.02
1857	164,994	753	219	1	...	6,706	2,911	4,874	4.06	1.76	2.95
1858	165,776	737	224	14	...	6,908	3,573	4,735	4.17	2.15	2.85
1859	166,558	745	223	5	...	8,431	3,870	4,883	5.06	2.32	2.93
1860	167,340	753	222	...	10	7,238	3,186	3,830	4.32	1.9	2.28
1861	168,121	745	225	...	17	8,075	3,704	2,952	4.8	2.2	1.75
1862	171,006	741	230	...	30	8,613	3,571	2,571	5.03	2.08	1.5
1863	173,891	757	230	...	34	9,096	3,712	2,235	5.23	2.13	1.28
1864	176,777	777	227	...	44	9,576	4,146	2,195	5.42	2.34	1.24
1865	179,663	794	226	...	55	9,240	3,880	2,274	5.14	2.16	1.26
1866	182,549	821	222	...	63	9,345	4,123	2,313	5.12	2.25	1.26
1867	185,435	829	223	...	72	8,792	3,773	1,915	4.74	2.03	1.03
1868	188,321	833	226	...	82	9,317	3,935	1,953	4.94	2.09	1.04
1869	191,207	834	229	...	89	8,436	3,502	1,977	4.41	1.83	1.03
1870	194,093	837	232	...	94	8,445	3,277	1,783	4.30	1.68	.91
1871	196,979	868	227	...	110	8,388	3,631	1,769	4.26	1.84	.89
1872	199,864	872	229	...	121	8,276	3,528	1,789	4.16	1.77	.89
1873	202,749	884	229	...	139	7,627	3,741	2,058	3.76	1.84	1.01
1874	205,635	886	232	...	141	7,922	4,443	2,271	3.85	2.16	1.1
1875	208,526	876	238	...	134	8,620	4,672	2,152	4.13	2.24	1.03
1876	211,417	879	240	...	138	8,903	4,803	2,311	4.21	2.27	1.09

† In estimating the population for the years intervening between the census years of 1851, 1861, and 1871, the numbers given in this Table have been computed by adding to each year one-tenth of the increase of the population between these respective periods, and the same ratio of increase has been added to each of the years after 1871 as to those between 1861 and 1871.

* These columns are taken from the Annual Report and Returns as to Crimes, &c., prepared for the Magistrates and Council by Mr Thomas Linton, Superintendent of Police.

(51.)

Excerpt from Minute of Meeting of Committee of Directors of the Licensed Grocers' Association of Edinburgh and Leith, held at Edinburgh upon Tuesday the 20th day of November 1877,—Mr Josiah Livingston, Chairman of the Association, occupied the Chair.

The meeting having before them the printed minutes of evidence of the Commission, was unanimously and strongly of opinion that a matter of the highest importance in the inquiry should be respectfully brought under the notice of the Commission, viz. :—That of the shortening of the hours of licensed grocers. The committee are unanimously of opinion that the shortening of the hours of labour make it practicable, and the interests of the general good among all classes—especially the working-classes—make it desirable that there should be a further restriction of the hours during which intoxicating liquor can be sold. So satisfied is this meeting of this, that it is deemed desirable to bring the matter specially before the Commission, in the hope that it may be pleased to take it into careful consideration.

What is respectfully suggested is, that shops for the sale of intoxicating liquor not to be consumed on the premises should, by law, not be allowed to be opened except between the hours of 8 o'clock A.M. and 8 o'clock P.M., with the exception of Saturday evening, when it is respectfully suggested that the hour might with advantage to the public be ten o'clock. This exception is chiefly necessary in consequence of the custom of the payment of wages of working people on Saturday, and of the fact that a larger business is done by licensed grocers among the working-classes on that evening than of any other day of the week, in consequence of having to provide for the Sunday.

In specially urging this important matter on the attention of the Commission, it is respectfully reminded that, so pre-

eminently important a matter was it considered, that a meeting of the whole licensed grocery trade was, upon May last, held in Edinburgh for the special purpose of considering it, and at this meeting it was unanimously resolved that a shortening of the hours by law, as is now suggested to the Commission, was extremely desirable, and should be endeavoured to be obtained from Parliament.

The Committee directed an excerpt from this minute of meeting to be transmitted to the Secretary of the Commission as embodying their, and the views of the trade generally, on the subject, in the earnest hope that the Commission may be pleased to take it into their careful and favourable consideration.

A true excerpt.

T. F. WEIR.

28th November 1877.)

(52.)—For Evidence, *see* Q. 4444.

Suggestions as to alteration of Act, by Mr Willison, Superintendent of Police, Kilmarnock.

(The suggested alterations are in italic type.)

Burgh of Kilmarnock.—Certificate of dealers in excisable liquors and grocers and provision dealers trading in excisable liquors.

At a general meeting for granting or renewing certificates for the sale of excisable liquors of the magistrates of the burgh of Kilmarnock, holden at Kilmarnock, within the said burgh, on the *day of* *in the year One Thousand Eight Hundred and Seventy*, the magistrates of the said burgh assembled at the said meeting did authorise and empower *now dwelling at* *, to keep premises at*

, in the parish of Kilmarnock, and burgh aforesaid, for the sale therein, but not elsewhere, of spirits, wine, porter, ale, beer, cider, perry, or other exciseable liquors, provided the said shall be licensed and empowered to sell such liquors, under the authority and permission of any excise licence to him: in that behalf granted, on the terms and conditions following: That is to say, that the said do not fraudulently adulterate the liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use, in selling the same, any weight or measure which is not of the legal Imperial standard; and do not knowingly permit any breach of the peace or riotous or disorderly conduct within the said premises; and do not sell or supply exciseable liquors to persons who are in a state of intoxication, or to girls or boys apparently under fourteen years of age; and do not traffic in or give any spirits, wine, or other exciseable liquors to be drunk or consumed on the said premises; and do not receive or take in, as the price or for the supply of exciseable liquors, any wearing apparel, goods or chattels; and do not keep open shop or traffic in or give out therefrom any liquors or any goods or commodities whatsoever before eight of the clock in the morning, or after eight of the clock at night of any day; and do not open his premises for business or for the sale of any liquors, or any goods or commodities whatsoever, or sell or give out the same on Sunday; and lastly, do maintain good order and rule within his premises. This certificate to continue in force upon the terms and conditions aforesaid, for one year from the day of One Thousand Eight Hundred and Seventy

The above certificate is made out according to the deliverance in the book or register appointed to be kept in terms of the Act of Parliament.

(53.)

To the Honourable the Royal Commissioners on Grocers' Licences, the Memorial of the Paisley Women's Christian and Abstinence Association,

Humbly Sheweth,—That in our visitations we meet with abundant proof of the lamentable fact that drunkenness is most decidedly on the increase amongst women, and we are satisfied that the facility and secrecy with which drink can be obtained at the shops of licensed grocers inevitably leads very many astray who otherwise would escape the thralldom of intoxicants.

We believe that difficulties decrease and facilities increase consumption, and we also believe that 'it is the duty of the State to make it easy to do right, and difficult to do wrong.'

In our experience we have found that women who are becoming addicted to the vice of drinking resort to every subterfuge to hide it, and that it is only when they are lost to all sense of shame that they resort to the public-house.

Having again and again experienced the extreme difficulty of reforming drunken women, we are all the more anxious that preventive measures should be used, and we humbly submit to the honourable members of the Royal Commission that, in our opinion, the separation of the grocery and spirit trades would do very much to stem at its source this prolific cause of national degradation.

Your memorialists feel that the imposing nature of your Commission, and the publicity given to your proceedings, have shut you out from the evidence of those who most directly suffer from the combination of the grocery and spirit trades; and we can assure you that, in this town at least, that evidence would be overwhelming against such licences.

Should the legislature not see fit to separate them, we would humbly suggest, as an improvement on the present system, that licensed grocers shall not be permitted to reside on their business premises, and that their hours shall be at the utmost from eight to seven, Saturdays included, and that alcoholic drinks shall not be sold by them to any member or members of a family without the consent of its head, in a form similar to that used for other poisons; and that, under any circumstances, it shall be illegal to sell to children or young people except in sealed bottles.

(Signed on behalf of the Association.)

ANNIE CLARK, Hon. President.
ANNABELLA DALETEL, President.
ISABELLA C. YOUNG, Vice-President.
RACHEL MACALPINE, do.
S. J. ROBERTSON, do.
ISABELLA COATS, do.
L. MARTIN, do.
HENRIETTA RICHMOND, do.
MARY M. MACKEAN, do.
ISABELLA MUIR GOODLET, Secretary.

(54.)

Excerpt from *Ayr Advertiser*, November 22, 1877.

Appeals against Convictions.

William Douglas, grocer, Crosshouse, appealed against a decision of the Kilmarnock Justices, convicting him of a breach of his certificate by having in July last supplied three pints of porter, which he allowed to be drunk on the premises.

Mr Henderson, who appeared for appellant, said that besides being a grocer, he was an extensive grain and cheese merchant, and kept his grain and cheese in a store separate from his shop, having a separate entry, though also having a private means of communication between them for his own convenience. On the day libelled three men came to buy a cheese, and one of them did purchase one and pay for it. After the transaction they were asked "what they would have," and a drink of porter for each was brought from the licensed shop adjoining. He contended that the liquor was not consumed within the licensed premises, and that therefore appellant had not committed the offence charged against him in the libel. He produced the excise schedule to show that the licensed premises consisted of one apartment marked "D."

Mr Gross, Procurator-Fiscal, in supporting the decision of the local court, said the case now presented was very different from the defence stated in the court below. There was then no reference made to the excise, or to the store being no part of the premises; but the defence was rested on this, that no money was paid for the liquor. Mr Douglas's premises consisted of shop, dwelling-house, and store. The store was separated from the shop by a wooden partition, but there was a door of communication between them, and the liquor was consumed there. Mr Douglas's defence was that he was in the habit of giving a glass of beer or wine to his customers for years past, and that he thought there was no harm in it. The view which the justices in the court below took was that this store was part of the premises. He contended that 'premises' must be understood to mean a shop with its adjuncts; and that to allow a dealer to take people into an adjoining place, and give them exciseable liquors, would be to make the Act a dead letter.

The Chairman asked whether the rent of £18 paid for the shop and dwelling-house included the store also.

Mr Douglas—No.

Mr Gross produced an extract from the valuation roll, which showed that there was a separate entry for the store of £16.

Mr Roger Montgomerie, M.P., moved that this appeal be sustained. He thought it was impossible to say that the statute had really been infringed. It appeared to him that the conviction had proceeded from an imperfect presentation of the facts, or from the justices not having understood the defence. By the statute of 1853, a grocer was prohibited from selling liquors to be consumed on his licensed premises; but nothing was said about his 'giving' liquor. This led to great evils, and by the statute of 1862 even 'giving' was prohibited in licensed premises. One of the sections of this statute was founded upon, which provided that no liquor should be taken out of his premises by a grocer, 'for the purpose of being hawked or sold for his benefit or profit;' but not a word was said against liquor being taken out and given merely as a compliment or as a refreshment to parties coming from a distance. He believed that in the course of his business Mr Douglas had persons coming to him from long distances, to whom refreshment was an almost absolute necessity. Mr Gross contended that Mr Douglas's 'premises' consisted of shop, dwelling-house, and store. But surely nobody would say that Mr Douglas could not entertain his friends in his own house, free and without any profit. He did not think the overturning of this decision would lead to any evil practices. It certainly would not establish the rule that liquor supplied by a grocer might be consumed in an adjoining place on his premises when payment was made either then or at another time.

Bailie R. Ferguson, Ayr, in seconding the motion, said in cases of this kind they must construe the statute strictly, and adhere to the specific charge in the libel. Here Mr Douglas was charged with having within his licensed premises supplied drink to be consumed on his premises. Now, it was quite clear from the excise schedule that the store was not part of his licensed premises. Mr Douglas might have asked the parties into his kitchen and given them a refreshment, and surely it could not have been contended that this was a breach of the statute; and yet the argument applied to the one just as well as to the other. A gentleman in the highly respectable position of Mr Douglas, having customers coming to him from all quarters of the country, could surely not be convicted of an offence for giving them a refreshment outside of his licensed premises.

Mr Cochran Patrick thought that neither the spirit nor the letter of the statute had been violated in this case, seeing that the store was a different holding from the licensed premises.

Mr Montgomerie's motion to quash the conviction was then unanimously agreed to.

The Chairman said he thought it necessary to point out that section 15 of the Act did not allow dealers indiscriminately to supply liquor to be consumed on other parts of their premises. It said, 'If any person who sells excisable liquors not to be consumed on the premises, shall take,

'or carry, or authorise, or permit, or suffer to be taken or carried any such excisable liquors out of or from the shop or premises of such licensed person, for the purpose of being sold or hawked on his account, or for his benefit or profit, or for the purpose of being drunk or consumed for his benefit or profit in any other house, or in any tent, shed, or any other premises of any kind whatever belonging to such person,' he shall be guilty of a breach of his certificate. It was clear from this that if the supplying of the drink could in any way be shown to be for the dealer's profit it was illegal.

APPENDIX E.

EXTRACTS FROM ACTS OF PARLIAMENT REGULATING THE SALE OF LIQUOR NOT TO BE CONSUMED ON THE PREMISES IN SCOTLAND, ENGLAND, AND IRELAND AND REFERRED TO IN THE REPORT.

SCOTLAND.

16 and 17 Vict., cap. 67 (1853). (Forbes M'Kenzie Act.)

Report.
Par. 10.

1. It shall not be lawful to the justices of the peace for any county or district, nor to the magistrates of any Royal burgh in Scotland, whether acting under the said recited Act or this Act, to grant any certificate for spirits, wine, or excisable liquors to be drunk or consumed on the premises, in terms of the said recited Act, with respect to any house or premises not previously licensed, unless on the express condition that no groceries or other provisions to be consumed elsewhere shall be sold in the house or premises with respect to which such certificate is granted within the period to which such certificate applies; and from and after the term of Whitsunday next ensuing from the passing of this Act it shall not be lawful to such justices or magistrates to grant any certificate, in terms of the said recited Act, with respect to any house or premises, whether previously licensed under the said recited Act or not, unless on the express condition aforesaid.

Par. 10.

2. Provided always, that nothing herein contained shall prevent any person or persons obtaining a certificate as a grocer, according to the schedule to this Act annexed, for the sale of porter, ale, beer, cider, or perry, or wines, spirits, and other excisable liquors, by retail, but not to be consumed on the premises, at the same rate as is exigible for a certificate for a publichouse.

Par. 10.

15. Every person bartering or selling spirits without having obtained a certificate, and every dealer in groceries or other provisions to be consumed elsewhere than on the premises supplying, whether gratuitously or otherwise, spirits to be consumed on the premises, shall be deemed guilty of an offence, and shall for such offence forfeit and pay the penalties provided in the 30th section of the said recited Act of the ninth year of King George the Fourth, and upon default of payment thereof as therein mentioned, be imprisoned as therein provided: Provided always, that any person who shall have been three times convicted of an offence against this Act shall be incapable of holding a licence for the sale of excisable liquors in all time coming; and provided also, that every person who shall be convicted of bartering or selling spirits without having obtained a certificate shall, in default of immediate payment of the penalty imposed upon him for such offence, be liable, in the discretion of the sheriff, bailie, or justices by whom he shall be so convicted, to be immediately imprisoned as prescribed by the said thirtieth section of the said recited Act in the case of default of payment within four days after conviction.

25 and 26 Vict., cap. 35 (1862). Publichouses Acts Amendment (Scotland) Act.

Par. 11.

2. The forms of certificates contained in Schedule A to this Act annexed shall come in place of the forms of certificates provided by the recited Acts or either of them; and it shall be lawful for the justices of the peace for any county or district, or the magistrates of any burgh, where they shall deem it inexpedient to grant to any person a certificate in the form applied for, to grant him a certificate in any other of the forms contained in the said schedule: Provided always, that in any particular locality within any county or district, or burgh requiring other hours for opening and closing inns and hotels and publichouses than those specified in the forms of certificates in said schedule applicable thereto

it shall be lawful for such justices or magistrates respectively to insert in such certificates such other hours, not being earlier than six of the clock, or later than eight of the clock in the morning, for opening, or earlier than nine of the clock or later than eleven of the clock in the evening, for closing the same, as they shall think fit: And the penalties and forfeitures provided by the recited Acts, or either of them, for breaches of or offences against the terms, provisions, and conditions of certificates, shall apply to breaches of or offences against the terms, provisions, and conditions of certificates granted under this Act.

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3. Every certificate to be hereafter granted for the sale by retail in any house or premises of spirits or wine shall include an authority for the sale by retail, in such house or premises, of porter, ale, beer, cider, and perry, and such certificate shall have the effect of enabling the party in favour of whom the same shall have been granted to obtain any licence or licences for such purposes: Provided always, that nothing herein contained shall be held to prevent the justices or magistrates from granting a certificate in any of the forms in the said schedule contained for the sale by retail of wine, porter, ale, beer, cider, or perry, or of porter, ale, beer, cider, or perry only.

7. Whereas, by an Act passed in the last session of Parliament, intituled An Act for granting to Her Majesty certain duties of excise and stamps, it is enacted, 'That it shall be lawful for any person to take out a licence for the sale, in any house or shop, of table beer, at a price not exceeding one penny halfpenny the quart, and not to be drunk or consumed on the premises where sold, and that it shall not be necessary to the obtaining of such licence that the said house or shop shall be rated to the relief of the poor to any amount, or that the person applying for such licence shall produce any certificate or enter into any bond required by any Act relating to the sale of beer by retail:' And whereas it is expedient that provision should, by this Act, be made for the proper and orderly regulation of the houses, shops, and premises kept by such persons: Be it therefore enacted, that every such licence shall be held by the person who shall have obtained the same, on the terms, provisions, and conditions following, viz.:—That he shall not knowingly permit any breach of the peace, or riotous or disorderly conduct within his premises, or supply liquors to persons in a state of intoxication, and shall not sell or give any such table beer to be drunk or consumed on the said premises; and shall not sell or give out therefrom any such table beer before eight of the clock in the morning, or after eleven of the clock at night of any day; and shall not open his premises for the sale of any table beer, or any goods or commodities whatsoever, or sell or give out the same on Sunday; and lastly, shall maintain good order and rule within his premises; and in case any person holding any such licence shall offend against any of the said terms, provisions, and conditions, every person so offending shall, for every such offence, forfeit and undergo the several penalties provided by the twenty-first section of the herein first-recited Act for the punishment of offences against the terms and conditions of certificates; and in addition to such penalties, the licence granted to such person may be declared to be forfeited and to become null and void; and every such offence shall be prosecuted, tried, and determined in the same manner, and before the same courts, and subject to the same conditions,

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as breaches of certificates or offences against the terms and conditions thereof may be prosecuted, tried, and determined.

Par. 12.

8. If any person shall be desirous of keeping an inn and hotel, publichouse, shop, or premises for the sale therein of spirits, wine, beer, or other excisable liquors, whether to be consumed on the premises or not, he shall, previous to the granting to him of a certificate for that purpose, or the renewal of any such certificate already granted, truly fill up an application for such certificate in the form contained in the first part of Schedule B, to this Act annexed, and shall truly answer the several queries therein contained; and printed forms for such application shall be supplied to the applicant by the clerk of the peace for the county or district, or the town clerk of the burgh in which such inn and hotel, publichouse, shop, or premises shall be situate, upon payment to him of a fee of sixpence for each copy thereof, and every such application shall be filled up in a fair and legible hand, and shall be signed by the applicant or his agent thereunto authorised, and shall be lodged by the applicant with such clerk of the peace or town clerk, as the case may be, fourteen days at least before the general meeting of the justices of the peace or magistrates for granting and renewing certificates: Provided always, that it shall not be lawful for the justices of the peace of any county or district, or the magistrates of any burgh, to entertain any application for any certificate for the sale of excisable liquors with respect to any house or premises not licensed, and for which there is no certificate at the time of making such application, until a report shall have been made and subscribed by a justice of the peace for such county or district, or a magistrate of such burgh respectively, such justice or magistrate being entitled to grant certificates, stating that the same are of suitable construction and accommodation for the purpose applied for, and accompanied with a certificate as to the applicant's character and qualification, signed by a justice of the peace for such county or district, or a magistrate of such burgh, and which said report and certificate respectively shall be in the form, or as nearly as may be in the form, contained in the second part of Schedule (B) to this Act annexed; Provided also, that the justices in quarter sessions, to whom any appeal shall be made from a deliverance, granting or refusing any application for a certificate, may by themselves, or any one or more of their number, inspect the premises for which a certificate is applied, and review the said report.

Par. 12.

9. Where any person shall be desirous of obtaining a renewal of any existing certificate, granted to him in terms of this Act, which has not been transferred during the current half-year, it shall not be necessary that he produce along with his application any recommendation or certificate of character and qualification: Provided always, that such exemption shall not be held to interfere with the powers of justices and magistrates under the said recited Acts or this Act to deal with such application.

Par. 12 and 30.

13. And it shall be lawful for any officer of police or constable of any county, district, or burgh, without any written authority, at any time to enter and inspect any licensed inn and hotel or publichouse therein situated, and also, where he shall have reason to believe that a breach of certificate is being committed, at any time, without written authority to enter and inspect the premises of any grocer or provision dealer trading in excisable liquors, and any person who shall refuse to admit or shall not admit such officer of police or constable into such licensed inn and hotel, publichouse, or premises, or shall offer obstruction to his admission thereto, shall thereby be guilty of an offence, and on being convicted thereof shall forfeit and pay a penalty not exceeding ten pounds, and failing immediate payment of such penalty, shall be imprisoned for a period not exceeding sixty days.

Par. 12.

15. If any person licensed to sell, by retail, any excisable liquors, not to be consumed on the premises, shall take or carry, or authorise or permit or suffer to be taken or carried, any such excisable liquors out of or from the house, shop, or premises of such licensed person, for the purpose of being sold or hawked on his account, or for his benefit, or profit, or for the purpose of being drunk or consumed for his benefit or profit in any other house, or in any tent, shed, or other premises, of any kind whatever, belonging to such person, or hired, used, or occupied by him, or in which he may be interested, such excisable liquors shall be deemed and taken to have been drunk or consumed upon the premises of the person so licensed, and such person shall be deemed guilty of a breach of his certificate, and shall be liable in the penalties and expenses and forfeitures for such offence, as by the recited Acts and this Act provided.

Par. 4.
Recommendation IX.

19. In order to warrant the conviction of any person for trafficking in any spirits or other excisable liquors in any place or premises without a certificate in that behalf, it shall be sufficient, in the absence of contrary evidence, to prove that

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some person other than the owner or occupant of such place or premises shall at the time charged have been found in such place or premises drunk or drinking, or having had drink supplied to him therein, and that such place or premises is or are by repute kept as a shebeen, or at the time charged contained drinking utensils and fittings usually found in houses licensed for the sale of excisable liquors; and every person found in any shebeen drunk or drinking shall thereby be guilty of an offence, and may at the time be taken into custody by any officer of police or constable, and detained in any police office or station-house, or other convenient place, and not later than in the course of the first lawful day after he shall be so taken into custody shall be brought before a justice of the peace or magistrate, or if not so taken into custody, or if he shall have been liberated on bail or pledge, may be summoned to appear before a justice of the peace or magistrate, and on being convicted of such offence shall forfeit and pay a penalty not exceeding ten shillings, and in default of immediate payment thereof shall be imprisoned for a period not exceeding ten days.

23. Every person found in a state of intoxication, and incapable of taking care of himself, and not under the care or protection of some suitable person, in any street, thoroughfare, or public place, shall be thereby guilty of an offence, and may be taken into custody by any officer of police or constable, and detained in any police office or station-house, or other convenient place, and not later than in the course of the first lawful day after he shall have been so taken into custody shall be brought before a sheriff or any one justice of the peace or magistrate, or if not so taken into custody, or if he shall have been liberated on bail or pledge, may be summoned to appear before such a sheriff, justice of the peace, or magistrate, and on being convicted of such offence shall forfeit and pay a penalty of five shillings, and in default of immediate payment shall be imprisoned for a period not exceeding twenty-four hours.

Par. 12 and 30.
Recommendation XV.

24. Every person licensed to sell spirits, wine, porter, ale, beer, cider, perry, or other excisable liquors by retail, whether to be drunk or consumed on the premises or not, who knowingly harbours or entertains, or suffers to remain in the licensed premises wherein he carries on his business, any constable during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbances or restoring order, or otherwise in the discharge of his duty, shall be guilty of an offence, and on being convicted thereof shall forfeit and pay a penalty not exceeding five pounds, and in default of immediate payment shall be imprisoned for a period not exceeding thirty days.

Form of Certificate. No. 3.

At a general meeting for granting or renewing certificates for the sale of excisable liquors held by Her Majesty's justices of the peace acting in and for the county [or of the magistrates of the burgh, as the case may be] of holden at within the said county [or burgh] on the day of in the year one thousand eight hundred and Har Majesty's justices of the peace acting in and for the said county [or the magistrates of the said burgh] assembled at the said meeting did authorise and empower A. L., now dwelling at , to keep premises at in the parish and county aforesaid [or burgh aforesaid], for the sale therein, but not elsewhere, of spirits, wine, porter, ale, beer, cider, perry, or other excisable liquors [or of porter, ale, beer, cider, or perry, or of wine, porter, ale, beer, cider, or perry], provided the said A. L. shall be licensed and empowered to sell such liquors under the authority and permission of any excise licence to him in that behalf granted, on the terms and conditions following—that is to say, that the said A. L. do not fraudulently adulterate the liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any weight or measure which is not of the legal imperial standard; and do not knowingly permit any breach of the peace, or riotous or disorderly conduct, within the said premises; and do not sell or supply excisable liquors to persons who are in a state of intoxication, or to girls or boys apparently under fourteen years of age; and do not traffic in or give any spirits, wine, or other excisable liquors [or wine, porter, ale, beer, cider, and perry, or porter, ale, beer, cider, and perry] to be drunk or consumed on the said premises; and do not receive or take in, as the price or for the supply of excisable liquors, any wearing apparel, goods, or chattels; and do not traffic in or give out therefrom any liquors before eight of the clock in the morning, or after eleven of the clock at night, of any day; and do not open his premises for business, or for the sale of any liquors or any goods or commodities whatsoever, or sell or give out the same on Sundays; and lastly, do maintain good order and rule within his premises. This certificate to continue in force, upon the terms and conditions aforesaid, for one year from the

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eight hundred and
The above certificate is made out according to the
deliverance in the book or register appointed to be
kept in terms of the Act of Parliament.
C. D., Clerk.
- 39 and 40 Vict., cap. 26 (1876). Publican's Certi-
ficates (Scotland) Act.
- Par. 13, 63. 5. Notwithstanding anything contained in section fourteen
of the Act of the ninth year of the reign of His Majesty
King George the Fourth, chapter fifty-eight, or in any other
enactment, no appeal shall lie to any justices of the peace
assembled in quarter sessions against any proceeding of any
ustices of the peace for any county, or magistrates of any
burgh, assembled for granting or renewing certificates for
licences for the sale of excisable liquors, in refusing any
application for a new certificate, but every such proceeding
and refusal shall be final.
- Par. 13, 63. 6. A grant of a new certificate in any county in Scotland,
except the county of the city of Edinburgh, shall not be
valid unless it shall be confirmed by a standing committee of
the justices of the peace for the county (hereafter in this
Act called the county licensing committee).
- Par. 13. 8. A grant of a new certificate in any burgh in Scotland
shall not be valid unless it shall be confirmed by a joint
committee of the magistrates of the burgh and the justices
of the peace of the county in which the premises in respect
of which the certificate is applied for, are situated (here-
after in this Act called the joint committee for the burgh).
- Par. 13. 12. Any person who appears before the justices of the
peace or magistrates, and opposes the grant of a new certi-
ficate, and no other person, excepting the procurator-fiscal for
the public interest, may appear and oppose the confirmation
of such grant by the confirming authority in counties and
burghs.
- Par. 13. 15. Where a person holding a certificate applies for the re-
newal of his certificate, he need not attend in person at the
meeting for granting and renewing certificates, unless he is
required by the justices of the peace of the county or magis-
trates of the burgh, as the case may be, so to attend.
- Par. 13. 17. No licence in the terms of the Act passed in the
twenty-fourth and twenty-fifth years of the reign of Her
present Majesty, chapter twenty-one, for the sale in any
house, shop, or premises of table-beer at a price not exceed-
ing one penny halfpenny the quart, and not to be drunk on
the premises, shall be granted by the commissioners or by
any officer of Inland Revenue to any person in Scotland who
shall not produce to the said commissioners or officer a cer-
tificate in terms of 'The Publichouses Acts Amendment
(Scotland) Act, 1862,' and the Acts therein recited, or of
this Act, and such certificate shall be applied for, granted,
confirmed, transferred, and renewed in the manner, and sub-
ject to all the provisions applicable to other certificates in
the like circumstances granted, confirmed, transferred, and
renewed in terms of the aforesaid Acts, and, *mutatis*
mutandis, may be in the form (so far as the same is appli-
cable, of Schedule A, No. 3, of the 'Publichouses Acts
' Amendment (Scotland) Act, 1862.'
- ENGLAND.
- 24 and 25 Vict. cap. 21. (1861). Excise Act.
- Par. 14. 2. Any person duly licensed as a dealer in spirits in England
may take out an additional licence authorising him to sell by
retail foreign or British spirits in any quantity not less than
one reputed quart bottle, or, as to foreign liqueurs, in the
bottles in which the same may have been imported, not to be
drunk or consumed on the premises; and any licensed dealer
taking out such additional licence may send out or deliver
any such spirits without the certificate required by law in
such cases, if the quantity does not exceed one gallon at a
time, and such spirits are not sent to the stock of any dealer
or retailer: provided always, that nothing herein contained
shall extend to repeal, alter, or affect section one hundred and
sixty-nine of the Act of the last Session of Parliament,
chapter one hundred and fourteen: provided further, that,
notwithstanding any provision hereinafter contained, all
penalties to be incurred or recoverable under this section, or
in relation thereto, may be sued for by any superintendent
or inspector of police, upon information and summons before
the police court or justice having jurisdiction in the place
where the offence is committed, but the appropriation of the
penalty shall be the same as is hereinafter specified.
- Par. 11, 13. 3. It shall be lawful for any person to take out a licence for
the sale in any house or shop of table beer, at a price not
exceeding the rate of one penny halfpenny the quart, and not
to be drunk or consumed on the premises where sold; and
it shall not be necessary to the obtaining of such licence that
the said house or shop shall be rated to the relief of the poor
to any amount, or that the person applying for such licence
shall produce any certificate, or enter into any bond required
by any Act relating to the sale of beer by retail.
- 35 and 36 Vict., cap. 94. Licensing Act, 1872.
5. If any purchaser of any intoxicating liquor from a person
who is not licensed to sell the same to be drunk on the
premises drinks such liquor on the premises where the same
is sold, or on any highway adjoining or near such premises,
the seller of such liquor shall, if it shall appear that such
drinking was with his privity or consent, be subject to the
following penalties; (that is too say),
For the first offence he shall be liable to a penalty not
exceeding ten pounds:
For the second and any subsequent offence he shall be
liable to a penalty not exceeding twenty pounds.
For the purposes of this section the expression 'premises
where the same is sold' shall include any premises adjoining
or near the premises where the liquor is sold, if belonging to
the seller of the liquor or under his control, or used by his
permission.
6. Any conviction for an offence under this section shall be
recorded on the licence of the person convicted.
- If any person having a licence to sell intoxicating liquors
not to be drunk on the premises, himself takes or carries, or
employs or suffers any other person to take or carry, any in-
toxicating liquor out of or from the premises of such licensed
person for the purpose of being sold on his account, or for
his benefit or profit, and of being drunk or consumed in any
other house, or in any tent, shed, or other building of any
kind whatever, belonging to such licensed person, or hired,
used, or occupied by him, or on or in any place, whether en-
closed or not, and whether or not a public thoroughfare, such
intoxicating liquor shall be deemed to have been consumed
by the purchasers thereof on the premises of such licensed
person, with his privity and consent, and such licensed person
shall be punished accordingly in manner provided by this
Act.
- Any conviction for an offence under this section shall be
recorded on the licence of the person convicted.
- In any proceeding under this section it shall not be neces-
sary to prove that the premises or place or places to which
such liquor is taken to be drunk belonged to, or were hired,
used, or occupied by the seller, if proof be given to the satis-
faction of the court hearing the case that such liquor was
taken to be consumed thereon or therein with intent to evade
the conditions of his licence.
9. Every person who makes or uses, or allows to be made or
used, any internal communication between any licensed pre-
mises and any unlicensed premises which are used for
public entertainment or resort, or as a refreshment house,
shall be liable to a penalty not exceeding ten pounds for every
day during which such communication remains open.
- In addition to any penalty imposed by this section any
person convicted of an offence under this section shall, if he
be the holder of a licence, forfeit such licence.
12. Every person found drunk in any highway or other public
place, whether a building or not, or on any licensed premises,
shall be liable to a penalty not exceeding ten shillings, and on
a second conviction within a period of twelve months shall
be liable to a penalty not exceeding twenty shillings, and on
a third or subsequent conviction within such period of
twelve months, be liable to a penalty not exceeding forty
shillings.
- Every person who in any highway or other public place,
whether a building or not, is guilty while drunk of riotous or
disorderly behaviour, or who is drunk while in charge on any
highway or other public place of any carriage, horse, cattle,
or steam-engine, or who is drunk when in possession of any
loaded fire-arms, may be apprehended, and shall be liable
to a penalty not exceeding forty shillings, or in the discretion
of the court to imprisonment with or without hard labour
for any term not exceeding one month.
- Where the court commits any person to prison for non-
payment of any penalty under this section, the court may
order him to be imprisoned with hard labour.
25. If, during any period during which any premises are
required under the provisions of this Act to be closed any
person is found on such premises, he shall, unless he satisfies
the court that he was an inmate, servant, or a lodger on such
premises, or a *bona fide* traveller, or that otherwise his
presence on such premises was not in contravention of the
provisions of this Act with respect to the closing or
licensed premises, be liable to a penalty not exceeding forty
shillings.
- Any constable may demand the name and address of any
person found on any premises during the period during
which they are required by the provisions of this Act to be
closed, and if he has reasonable ground to suppose that the
name or address given is false, may require evidence of the
correctness of such name and address, and may, if such person
fail upon such demand to give his name or address, or such

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evidence, apprehend him without warrant, and carry him, as soon as practicable, before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Every person who by falsely representing himself to be a traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of this Act shall be liable to a penalty not exceeding five pounds.

Par. 15, 40.
Recommendation I.

35. A constable may at all times enter on any licensed premises, he may also examine every room and part of such premises, and take an account of all intoxicating liquor stored therein.

Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail, or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not in which such liquor is not authorised to be sold by retail, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in such a warrant, at any time or times within one month from the date thereof, to enter, and, if need be, by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein, which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor.

Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable demanding to enter in pursuance of this section into any premises or place occupied by or under the control of such person, or who having admitted such constable refuses or fails to allow him to take an account of any intoxicating liquor found therein, or to furnish him with such light or assistance as he may require, shall be liable to a penalty not exceeding for the first offence five pounds, and for the second and every subsequent offence ten pounds.

Any conviction for an offence under this section shall, in the case of a licensed person, be recorded on the licence of the person convicted.

Par. 43.

45. Premises to which at the time of the passing of this Act no licence under the Acts recited in the Wine and Beerhouse Act, 1869, authorising the sale of beer or wine for consumption thereupon is attached, shall not be subject to any of the provisions now in force prescribing a certain rent or value or rating as a qualification for receiving any such licence.

Premises not at the time of the passing of this Act licensed for the sale of any intoxicating liquor for consumption thereupon shall not be qualified to receive a licence authorising such sale unless the following conditions are satisfied:

(a) The premises, unless such premises are a railway refreshment room, shall be of not less than the following annual value:

If situated within the city of London or the liberties thereof, or any parish or place subject to the jurisdiction of the Metropolitan Board of Works, or within the four mile radius from Charing Cross, or within the limits of a town containing a population of not less than one hundred thousand inhabitants, fifty pounds per annum: or if the licence do not authorise the sale of spirits, thirty pounds per annum:

If situated elsewhere and within the limits of a town containing a population of not less than ten thousand inhabitants, thirty pounds per annum; or if the licence do not authorise the sale of spirits, twenty pounds per annum:

If situated elsewhere and not within any such town as above mentioned, fifteen pounds per annum; or if the licence do not authorise the sale of spirits, twelve pounds per annum:

(b) The premises shall be, in the opinion of the licensing authority, structurally adapted to the class of licence for which a certificate is sought: Provided that no house, not licensed at the time of the passing of this Act for the sale of any intoxicating liquor for consumption on the premises, shall be qualified to have a licence attached thereto authorising such sale, unless such house shall contain, exclusive of the rooms occupied by the inmates of such house, if the licence authorise the sale of spirits, two rooms, and if the licence do not authorise the sale of spirits, one room, for the accommodation of the public.

62. In proving the sale or consumption of intoxicating liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any intoxicating liquor was actually consumed, if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of intoxicating liquor was about to take place; and proof of consumption or intended consumption of intoxicating liquor on premises to which a licence under this Act is attached, by some person other than the occupier of or a servant in such premises, shall be evidence that such liquor was sold to the person consuming, or being about to consume, or carrying away the same by or on behalf of the holder of such licence.

The four following Sections apply to IRELAND, only.

83. If any purchaser of any intoxicating liquor from a spirit grocer drinks such liquor on the premises where the same is sold, or on any highway adjoining or near such premises, such spirit grocer shall, if it shall appear that such drinking was with his privity or consent, be subject to the following penalties; (that is to say),

For the first offence he shall be liable to a penalty not exceeding ten pounds:

For the second and any subsequent offence he shall be liable to a penalty not exceeding twenty pounds:

For the purposes of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to such spirit grocer, or under his control, or used by his permission.

Any conviction for an offence under this section shall be recorded on the excise licence of the spirit grocer convicted.

84. If any spirit grocer himself takes or carries, or employs or suffers any other person to take or carry, any intoxicating liquor out of or from the premises of such spirit grocer for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such spirit grocer, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such intoxicating liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such spirit grocer, with his privity and consent; and such spirit grocer shall be punished accordingly in manner provided by the next preceding section.

Any conviction for an offence under this section shall be recorded on the excise licence of the spirit grocer convicted.

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, or were hired, used, or occupied by, such spirit grocer, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his excise licence.

86. No spirit grocer shall have or keep his premises open, nor shall he sell any intoxicating liquor in any such premises at any other times than those limited for the sale of intoxicating liquors by retail to be drunk or consumed on the premises by section forty-three of the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, as the same is amended by this Act, and any spirit grocer acting in contravention of the provisions of this section shall be liable to all and the same penalties and consequences to which under the preceding provisions of this Act any person who sells or exposes for sale, or opens or keeps open any premises for the sale of intoxicating liquors at any other time than those limited by the said section forty-three of the said Act, as the same is amended by this Act, is liable.

87. It shall be lawful for any justice of the peace, or any superintendent of police, or any constable duly authorised for such purpose by any such justice or superintendent within the limits of his jurisdiction, to enter into any premises kept by a spirit grocer for selling intoxicating liquors, at any time or hour during which the sale of such liquors by such spirit grocer is prohibited by this Act, and to remove from and put out of such premises any person who shall be so found within such prohibited hours in such house or place (not being a lodger in or an inmate of such premises), and who shall appear to be or to have recently been drinking, tippling, or gaming therein; and if any such person shall not, when thereto required by such justice of the peace, superintendent of police, or constable, remove from and quit such premises, or shall forcibly resist such justice, superintendent, or constable, or shall be found drunk therein, it shall and may be lawful for any superintendent of police or for any constable to apprehend and take into custody any such person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended.

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hended before any justice of the peace within whose jurisdiction such premises shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such premises, or shall so forcibly resist such justice, superintendent, or constable, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding twenty shillings nor less than five shillings; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be imprisoned for any time not exceeding one week.

Recommendation XII.

37 and 38 Vict., cap. 49, (1874). (Licensing Act, 1874).

9. Any person who—

During the time at which premises for the sale of intoxicating liquors are directed to be closed by or in pursuance of this Act, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquors, or allows any intoxicating liquors although purchased before the hours of closing to be consumed in such premises,—

shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

16. Any constable may, for the purpose of preventing or detecting the violation of any of the provisions of the principal Act or this Act which it is his duty to enforce, at all times enter on any licensed premises, or any premises in respect of which an occasional licence is in force.

Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second and every subsequent offence ten pounds.

17. Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any in-

toxicating liquor is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor is not authorised to be sold by retail, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in such warrant, at any time or times within one month from the date thereof, to enter, and, if need be by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor; and in the event of the owner or occupier of such premises being convicted of selling by retail or exposing or keeping for sale by retail any liquor which he is not authorised to sell by retail, the intoxicating liquor so seized and the vessels containing such liquor shall be forfeited.

When a constable has entered any premises in pursuance of any such warrant as is mentioned in this section, and has seized and removed such liquor as aforesaid, any person found at the time on the premises shall, until the contrary is proved, be deemed to have been on such premises for the purpose of illegally dealing in intoxicating liquor, and be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises on which he seizes or from which he removes any such liquor as aforesaid, and if he has reasonable ground to suppose that the name or address given is false may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or to answer satisfactorily the questions put to him by the constable, apprehend him without warrant and carry him as soon as practicable before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Par. 40. Recommendation I.

Par. 40. Recommendation I.

ANALYSIS OF THE EVIDENCE.

A.

A. B., UPHOLSTERER'S MANAGER, EDINBURGH :

Evil effects of grocer's licence, 2998. Afford facilities to women. Witness's wife got drink at grocer's without his knowledge. She acquired drunken habits, 3000. Fictitious entries used, 3000. Know cases of Sunday drinking, 3000. Trades should be separated, 3001. Drink may be obtained from respectable shop, 3004.

ADAMS, JOHN, UNLICENSED GROCER, ABERDEEN :

Been engaged in grocery business twenty-four years, thirteen of which in connection with spirit trade and eleven apart from it ; and from experience and knowledge say grocers' licences exercise an evil influence, promoting intemperance among class of women, doing injury to children, prove temptation to commercial travellers, as well as being almost an impossibility for the person licensed to strictly observe the law. Give great facilities for procuring drink under cover. Common in certain localities to send children to grocer's. Have seen them coming dripping bottle to their mouth, which, among other reasons, led to my abandonment of the traffic. Have testimony of travellers who certify to evils that accrue from treating, as also the wide breach of certificate practised among grocers. They dare not come and testify, as it would cost them their situation. Speaking from experience, it is very difficult to maintain integrity of laws. Am satisfied that trades would be better apart. Would elevate one above suspicion, and render other easier to control. Would put entire trade on an equality. Licensed grocer has undue monopoly over unlicensed, 7902. None of travellers referred to go to publichouses. They sell only dry goods without combining spirits, 7903-5. Gave up licence because thought it was unrighteous trade. At time gave it up did not belong to church that objects to its members holding licences. But do so now, 7906-9.

ADAMSON, REV. WM., BUCCLEUCH EVANGELICAL UNION CHURCH, EDINBURGH :

Female intemperance increasing, 2386. City socially and morally never in lower condition, 2386. This occasioned by system of grocers' licences, 2386. Facilities afforded are so great, 2387. Know of cases, 2387. Was told by licensed grocer that working men's wives are regularly treated, 2390. Also the police, 2390. Letter from Lord Kinnaird to witness, 2395. Evasion of the law very common, 2397. System is unjust to unlicensed grocer, 2397. Know of grocers who have left licensed trade on account of its bad effects, 2402. Feeling of working men in witness's congregation is that trades should be separated, 2407. Back shop drinking takes place, 2417. Evasions not always confined to small shops, 2420.

ANDERSON, DAVID, FISH SALESMAN, EDINBURGH :

Have interested myself in the movement which has led to this Commission, 3507. Trades should be separated, 3516. In saying this consider the public interest not interest of the trade, 3517. A separate shop might be licensed where liquor trade could be carried on by grocer, 3520. (App. D, No. 35, p. 497.)

ANDERSON, ROBERT, LICENSED GROCER, GOVAN :

Concur generally with Mr Trotter. Trade is entirely in working class district in quantities under a quart. Would be hardship to me to be restricted to quart minimum. Spirits should be kept in bond until the evil effects of new spirits would be entirely done away with. This would prevent much drunkenness, 5463-65. In Govan no grocer lives on premises, and hawking spirits is unknown, 5465. Keeping casks away from the shop would not prevent evasion, 5467.

ANDERSON, ANDREW, WINE MERCHANT, KILMARNOCK :

Thirty-four years in business, 5769. Don't agree with

ANDERSON, ANDREW.—cont.

Mr Carstairs. Advantage to grocer to have licence. Gives advantage over unlicensed grocer and over spirit dealers who don't sell groceries. He gets more for his whisky than spirit-dealer does, 5770. I hold public-house licence, 5772. Amount of drinking that has of late been going on has arisen from grocers' licences, 5773. Ten o'clock late enough to be kept open. Most public-house keepers in Kilmarnock would approve of this hour and eleven on Saturdays. Would prefer grocers to have public house licences and sell groceries in another shop, 5773. Grocer with licence can undersell his grocery goods, 5774. We see every day the effect of women getting spirits at grocers, 5775. Never saw cases of fictitious entry, 5776. Trades should be kept apart, 5777.

ANDERSON, DANIEL, PARTICK :

Statement.—Am foreman joiner and house factor in employment of Bailie Kennedy, Partick. Eighteen years in present employment. Employ 100 to 200 men. Factorage embraces 300 families, most working people. I collect the rents generally from the wives. Never saw any of them the worse of drink. The greater number deal with licensed grocers. Never heard complaints from our workmen or tenants of grocers giving drink to be consumed on the premises, or making false entries. It would not be for the good of working class to be compelled to buy a quart bottle of spirits, or to go or send to publichouse for it. Separation of trades would be of no benefit, 5867. More drinking carried on in publichouses than in grocers' shops. Never saw this in respectable grocers', 5878. Same objections to separation would exist if another class of licence was introduced to sell liquor only, not to be consumed on premises, 5876.

ANGUS, GEORGE, LICENSED GROCER, ABERDEEN :

Been licensed grocer for 20 years, and have had ample opportunity of studying working of grocery and spirit trade combined, and from experience am satisfied they would be better separated—1st, because of difficulty of enforcing law to prevent consumption on premises ; 2d, because while two are combined there is often temptation to purchaser of groceries to invest in spirits, and thus begin career ending in drunkenness ; 3d, because of frequency of parents sending children under age for drink, thus causing grocer to violate his licence and familiarise child with drinking habits of its parents, 7925. Contemplate having house with licence on same conditions as grocers, but that they sell drink only not to be consumed on premises. Traffic should be entirely conducted and controlled by local or imperial authority, 7926, 7. Have several reasons for continuing to hold licence. Hold there is the use as well as the abuse of liquor, but abuse is so frequent, would rather see grocery trade without it, 7929. If I give up licence and neighbour retains it, he has advantage. Would lose customers that prefer getting groceries and liquor at same shop, 7930, 31. Pay £30 rent, 7932. Don't allow consumption on premises, and people don't ask it. Have mixture of all sorts of customers. Working classes never ask it, 7935-8. Don't sell much in small quantities. Do not encourage it, 7939.

ANSTRUTHER, SIR ROBERT, BART., M.P. FOR FIFE :

Have paid great attention to subject of inquiry, and acquainted myself with the feelings of the country, 1432, 33. Had my attention drawn to it by the enormous increased consumption of drink and increase of drinking habits. Brought in a bill in 1874. It embodied the Gothenburg system, 1434. On second reading, Government, not willing to adopt that system, stated to me, if I would withdraw clauses relating to it that they would assist in passing remainder of bill. Bill then contained clause rendering it unlawful to grant to any grocer any certificate for licence to include sale by retail of spirituous liquor, unless such grocer shall at time of passing of Act hold a licence. The bill did not go any

ANSTRUTHER, SIR ROBERT, BART.—*cont.*

further. Brought in same or nearly the same bill in 1875-76, and also in 1877. Have no fault to find with the way the large shops are conducted. It is the lower class who evade, and they are dependent mainly on sale of drink. Last summer issued circulars to chiefs of police and other persons in Scotland, 1435. The general result of the answers shows that the present state of the law, at least as regards the smaller houses, is altogether unsatisfactory. May say not a single gentleman who answered is entirely satisfied. As a rule they condemn it altogether. Will read certain answers as illustrations, 1439. See also Appendix C, p. 477. The only doubtful answer was from the Chief Constable of Fife, Captain Bremner, 1440. Sent out 80 circulars. Received 55 answers, 1441. Would first try to prevent sale in small quantities in open vessels, 1443. Under proper restrictions grocers should be allowed to sell, 1444-5. Would not be convenient to the public to prohibit them from selling, 1446-49. Under proper control large amount of the evil of present system would be removed, 1450. Not prepared to recommend withdrawal of licence, 1451. Would restrict the sale to minimum of quart bottle sealed, and would put grocers under strict police supervision. In point of fact, judging from the returns I got, the police have no supervision, 1452. Immaterial whether the minimum is a pint or quart, but prefer the quart, 1453. The system of allowing children to be supplied with drink as messengers is a very unwholesome one, 1455. This should be remedied by statute, 1456. Grocers should be under same supervision as public-houses, 1457. Would restrict sale of other commodities to hours when drink may be sold, 1459-62. It is desirable that a minimum rent should be fixed. This was recommended by a Select Committee in 1846. The amount should be fixed by the Local Authority, 1463 to 1470. Believe that the quart minimum does not give satisfaction in England, 1471. Separate trade of spirit-dealer only to sell liquor, not to be consumed on the premises, might remove great part of the present evil, 1476-83. It would be an advantage to allow grocers to sell beer and wine, 1484. Cannot speak from own knowledge as to evil effects of system on working men's wives and servants, but from information received believe great evil is connected with it, 1486. From information believe that in a large number of cases it is only the drink that makes a profit to the shop, 1490. People wishing small quantities must go to the publichouse, 1494-95. Limitation to quart minimum, in point of fact, would cause all the worst houses to fall out of the trade, 1498. Did not ask any questions about the unlicensed trade. Was not aware that they offended by selling spirits, 1502.

ARROT, DR JAMES :

Have been nearly 50 years in practice in Dundee, 7021. See no objection to the system of grocers' licences as at present carried on, and do not see any objection to grocers having licences to sell drink so long as the business is conducted according to law, 7023-4. Refer chiefly to family grocers. Think they conduct their business fairly and honestly, 7025. The unlicensed grocer is put to disadvantage. It would be great annoyance were people not able to get spirits and wine from the grocers', 7028-30. Do not think the publichouse is best place to which to go or send a servant girl, 7031. It is not common to give spirits for medical purposes to children, but it is common for sick people in all kinds of diseases, 7034-5. Think the use of ardent spirits is increasing, taking the community generally, 7039. Think there are plenty facilities at the present time for the frequent use of ardent spirits at home. No need to increase them, and at present the trade is carried on faithfully, 7042-4.

B.

BAIN, The Hon. JAMES, LORD PROVOST OF GLASGOW :

In 1862, 173 licensed grocers, equivalent to 1 to 2370 people; now 257 grocers, being 1 to 2180 people, 3524. Estimated population, now 560,000, 3525. In spite of large increase of population, gross number of licences has been reduced, 3528. The magistrates refuse licences where they consider they are not needed, 3530. Do not think there is hardship in refusing licence to one man and granting it to another, 3533. Unlicensed grocers in Glasgow in excess of licensed, 3534. Don't consider whether applicant has served an apprenticeship to trade. Never heard of apprenticeship to grocers' trade. Magistrates would not give grocer's licence merely to enable a man to open a spirit shop, 3540. Sometimes a grocer's licence granted when publican's is refused, 3541. From 1862 to 1877, 36 convictions for breach, 3542. Grocers

BAIN, The Hon. JAMES.—*cont.*

should be confined to same hours as publican, 3543. Would restrict both to 10 A.M., to close at 10 P.M., 3547. Special permissions sometimes granted to hotels, 3549. Magistrates don't assign reasons when dealing with transfers, 3552. Am not a believer in vested interests in licences. Large sums often paid for good-will. There should be higher licence duty on an *ad valorem* scale, say 50 per cent. of rent, 3553. Sale in open vessels should be prohibited. There should be a minimum limit of pint bottle, corked and sealed. Breaches by grocers in Glasgow are not common, nor are fictitious entries common, 3556. Don't think a minimum rent would work well, 3558. We have public analyst who inspects liquors sold, 3560, 3561. Dilution with water not considered adulteration of spirits, 3562. It is so in case of milk, 3563. In Glasgow some spirit-shops have what are called family departments, 3566. There are shops in Glasgow where nothing but liquor is sold, not to be consumed on the premises, 3573. Giving grocer wine and beer licence only would not make much difference if sealed bottles were a rule, 3574. There are not many grocers in Glasgow who practically are only sly spirit dealers, 3578. Magistrates refuse licences where there are back doors, 3581. Also where house and shop are connected, 3584. Don't know any cases of women who have contracted drinking habits from grocer's shop, 3587.

BAIRD, Rev. Mr., GLASGOW. See REV. JAMES A. JOHNSTON.

BALFOUR, GEORGE, LICENSED GROCER, JEDBURGH :

Represent licensed grocers in Jedburgh. They are 14 in number, 1751. Have returns from 13 in answer to questions sent; one omitted to sign declaration, 1752. The answers vary a little in expression, but are nearly the same in sense, 1755. In answer to the 1st question, they state how long they have been in business; 2d, deny having ever made fictitious entries; 3d, all, with one exception, say they were never asked to do so; 4th, with two exceptions, answer that drunkenness is not on the increase; 5th, say that it is not on the increase among better class females; 6th, twelve answer that they sell largely in small quantities; 7th, say it would not be for moral benefit of those who buy in small quantities to be compelled to go to the publichouse; 8th, with one exception, say that small quantities are bought by working classes for medicinal purposes; 9th, say that a licensed publichouse is not more likely to promote temperance than a licensed grocer's shop, 1755. Our hours of business are from 8 A.M. to 7 P.M., and 9 P.M. on Saturdays, 1755. Lowest net price of whisky 2s. 1d. per bottle, 12s. 6d. per gallon. Old matured whisky costs on an average 15s. 6d. or 16s. per gallon. With dealers who study to supply their customers well, for every bottle under 3s., ten, twenty, or thirty are sold at 3s. a bottle. Any such step as taking away grocers' licence would be great mistake, and would signally fail to elevate or improve the masses. Grocers should not be the only class of tradesmen subjected to police supervision, 1755. Don't imagine that consumption on grocers' premises is ever indulged in, 1758-1762. Would not object to public-house hours being obligatory on grocers, 1763-66. Object to police supervision, unless extended to other trades, 1767-71. Having no cask in shop would be objectionable, 1772. Don't see any advantage in requiring bottles to be sealed, 1774-75. Such restrictions only entail trouble on seller, 1778.

BALL, Rev. THOMAS I., ALL SAINTS' EPISCOPAL CHURCH, EDINBURGH :

Lived eight years in Cove, Aberdeenshire, behind licensed grocer's shop. Drinking went on in shop nearly every day. Saturday night regular revel, 3206. Cove $4\frac{1}{2}$ miles from Aberdeen, 3213. Sunday drinking tremendous. *Bona fide* traveller, 3216. There was communication between house and shop, 3217. Very drunken district, 3220. Neighbouring village, where no licensed house, much more quiet, 3226. Law as it stands dead letter. Drinking among women common, 3238. And increasing, 3239.

BARCLAY, HUGH, LL.D., SHERIFF-SUBSTITUTE OF PERTHSHIRE :

Have had long experience in licensing question in official capacity, 6353. Perth Justices' district consists of six or seven parishes or villages, and in it are 18 inns, 11 publichouses, and 8 licensed dealers. There should be distinction between grocers and dealers. Blairgowrie and Rattray district, 8000 population, 20 publichouses, and 10 dealers; Crieff, 5000 population, 5 inns, 8 publichouses, and 8 dealers; Comrie, 4000 population, 4 inns, 1 public house, 2 dealers; Muthill, 3000 population, 3

BARCLAY, HUGH.—cont.

hotels, 1 publichouse, 3 dealers. From 1863 to April 1876, exclusive of burgh of Perth, there were 78 convictions against hotels and publichouses, and 18 against licensed grocers; 4 were acquitted, 6354. Different districts have different rules, and magistrates are more liberal in some districts than in others, 6355. In Perth district we are very scrupulous, 6356. In regulating numbers, injustice to applicant cannot be helped. Public morals must be looked to, and not private interests, 6360. No more licences should be granted than the justices consider sufficient for the population; the wording of the Act shows that this is intended, 6361. Grocers should not have licences. Speak from long experience of pass-book system. Have had many cases of entries of 'tea' and 'goods,' which I took the liberty of calling 'bada.' These, no doubt, were fictitious entries. These cases were chiefly from the villages, not from Perth, 6362. Grocers don't give credit now. Almost never see a pass-book now, 6363-65. Don't have many cases of debts for money lent to working men, but have seen entries such as cash 1s. or 2s., which was proved to be for whisky got by wife unauthorised by her husband. Always sustained objections to claims of this nature, 6366-67. If no licence was given to grocers, would give dealers, who at present have wholesale licence, a licence to sell small quantities, not to be consumed on the premises, 6370-73. It would be necessary that persons holding such licences were men of character, or their premises might degenerate into publichouses, 6382. Our chief constable (who lately died) frequently complained of difficulty he had in country villages with grocers, in whose shops drinking went on during all hours of the night. Unlicensed grocers and publicans complained to him. Can't see the advantage of a sealed bottle. If any rule is made, it ought to be according to rent, though that would not always give you a character, 6387. Limit to quart would prevent drinking on premises. Am satisfied spirits sold to lower classes are adulterated, 6388. Have heard that several grocers in villages have vans which go through country districts after dark, and find ploughmen in their bothies. They sell to them, and take meal in barter. Farmers complain of this grievance, 6389.

(App. D, No. 5a, p. 489.)

BARRAS, DR. GOVAN:

Statement.—17 years in practice as medical man, chiefly among working class. Licensed grocers are legitimate parties to be entrusted with the sale of alcoholic liquors. Always recommend patients to purchase from grocers. Never knew of fictitious entries. Never heard working class complain of grocers' licences. Trades are best united. Personally no objection to quart limit, but this quantity is beyond reach of many who require it medicinally, 5580. Liquor is better in grocers' shops; many of working class object to go to the publichouse, 5585-88. If sale was restricted to whisky two years old, this reason for preferring grocers would be removed, 5589. More alcohol in new spirits, also some fusel oil, 5590. Fusel oil readily absorbed by brain and nervous system, 5591-93. Not my experience that liquor being sold in grocers' offers temptations to buy it. No licensed house should sell to be consumed on premises, 5597. Do not think drinking habits among women are increasing, 5601-2. Liquor should only be sold for consumption on premises where food is also provided, 5603-6. Frequently prescribe spirits. This practice is diminishing, 5607-8. Don't think it is a habit for working men to take spirits with their meals, 5616. Magistrates should consider grocers' licences as equivalent to publichouse licence, and count them in the number, 5632. Magistrates are too lax in granting licences. In some thoroughfares there are too many grocers' licences, 5534.

BATHGATE, J. D., PROCURATOR-FISCAL, COUNTY OF PEEBLES:

Twenty-nine grocers licensed in county, 1146. Nineteen of which are in burgh of Peebles, 1152. Statistics of county and burgh of Peebles, 1146-1154. Tendency of magistrates as to reduce licences, 1155; also to stop back doors, 1156. Almost all our grocers have house and shop communicating, 1156. Number of houses rather diminished lately, 1160. Difficult to obtain convictions; no doubt there is evasion, 1165. Grocery business subordinate to spirit in many cases, 1175. Would not take away licence altogether, 1181. Would not allow house and shop to communicate, 1182. Don't approve of minimum rent, 1183. Some grocers send vans with spirits to order, 1184. Have had reasons to suspect bottlers from distant places, 1186. Never had charges against police for drinking, 1189. Sealed bottles would do no good, 1190. Nor would beer and wine licence only, 1191.

BELL, ARCHIBALD, SHERIFF-OFFICER AND SCHOOL-BOARD OFFICER, PORT-GLASGOW:

Formerly assistant to licensed grocer, 4287. Am aware of recent evasions by licensed grocers, 4291. Such as drinking on premises, 4292. These cases are within my own experience, 4293. Have partaken myself within the last 5 years, 4295. In visiting houses of defaulting parents in my capacity as school-board officer, find invariably that one or other parent is intemperate, 4296. Grocers are the worst to deal in spirits than publichouses. Have seen books within the last two years, where out of 40s. 17s. was taken off for drink, 4299. Know of one shop, a retail dealer, and grocer's licence, that sells no groceries, 4300-4306. Port-Glasgow is a very intemperate locality, 4309.

BIRSE, JAMES H., CUTLER, DUNDEE:

Have got drink occasionally in 2 or 3 grocer's shops in Dundee and 2 or 3 in Arbroath, 6793. Seven years since in Arbroath, within past 3 in Dundee, 6794. Know 2 shops where drink is consumed on the premises, and know a man whose wife got drink from one of these under fictitious entries, 6797-98.

BLELOCH, DAVID, LICENSED GROCER, DUNFERMLINE:

Concur with Mr Fisher (p. 81) 1980. Forty years licensed grocer, 1979. Never sell in open vessel, 1983. Bottles are always secured, 1984. Would not give out whisky in an open vessel, 1986.

BORTHWICK, THOMAS, WHOLESALE GRAIN DEALER, GLASGOW:

Concur very much with Mr Crichton. All licences should be confined to grocers, leaving sale of groceries optional, but all to have grocers' licence. Great evils arise from drinking on premises, 5713.

BOWIE, WILLIAM, LICENSED GROCER, EDINBURGH:

£19 rent, 3463. Concur generally with Mr Ford. My trade in poor locality, chiefly working classes. Never asked to make fictitious entries, 3480. Whisky I sell not one-twentieth part of the groceries. If trades were separated, and compensation given, would choose grocery trade, 3487.

BOYD, DAVID, MASTER SHOEMAKER, DUNDEE:

Statement by witness as to objections to powers granted to magistrates, and to the way grocers conduct their business. Power is arbitrary and is generally used in an erratic and despotic manner. It is bad in principle for magistrates to have power, and would therefore withdraw it. The law as it stands leads grocers to infringe their certificate, 6697. Personally know of cases in which law is broken. Have heard that grocers supply shebeens. Give list of shebeens in Dundee. Excise authorities in Dundee neglect to fine shebeens, 6698-6700. There is belief that grocer's supply better liquor. Would withdraw grocers' licence on a principle of equity to the grocer trade in general. Would create a new licence to sell off the premises, confining publicans to sell on their's. Have all licences in main streets. Fixed rental. Number fixed according to population, by legislative enactment, not by magistrates. Police supervision compulsory. In the case of a bankrupt, licence should be withdrawn, and trustee should have no power with it, 6701. Have known cases of women getting their husbands into trouble by getting liquor at the grocer's, but believe the trade has improved lately, 6702.

BRAZIER, JAMES SMITH, PROFESSOR OF CHEMISTRY IN THE UNIVERSITY OF ABERDEEN:

Have directed my attention to adulteration of spirits, 8075. Have examined samples, but have not made full analyses of them. They were taken principally for my own interest. Mr Watson, who was sheriff here some years ago, asked me to examine some for him, but am not aware where he got them from, 8076-8. Had specimen from publichouse in town in Kincardineshire. It was extremely new whisky, 8079-81. In the manufacture of whisky, fusel oil is produced. In good ordinary whisky to some extent it goes off. When diffused through the substance it is extremely injurious. If taken into the system it acts even to madness in some cases, stupefaction in others. Besides this, in new whisky, other subtle fluids are produced in fermentation, which render the spirit injurious until they are got rid of, 8082. They would pass off of their own accord from whisky kept in cask, 8083. In the sample I speak of there was fusel oil, and an extremely pungent vapour, 8084. Pure fusel oil is to a considerable extent a poison, 8085. It acts directly on the brain, 8087. Never met with a case of positive adulteration in whisky, 8089. Would hardly be able to detect potato spirit from coarse grain whisky.

BRAZIER, J. S.—*cont.*

They contain much the same ingredients. In the fermentation of grapes you find no fusel oil, because there is tartaric acid present, which prevents it, 8090. Cannot say how long raw grain or malt spirit should be kept to allow the injurious elements to pass off. It must depend a great deal on how the substance is exposed. If hermetically sealed, no change would take place, 8092. The old process of keeping it in a cask covered by a sod of turf allowed deleterious vapours to pass off quickly, 8096. The wood absorbs some of it, 8094. Whisky kept for a number of years would be safe, 8100. Percentage of fusel oil in new whisky should be small. It is the object of the distiller to take it all out, and it can be done by two or three chemical processes, 8102.

BREINGAN, ALEXANDER, BANKER, HELENSBURGH.

Was for 6 years provost, 20 years licensed grocer, now retired from that business, 5324-29. In our district consumption on premises is unknown. One conviction 3 years ago for selling after hours—licence was taken away, 5330-33. Publichouses do more harm than grocers, 5334. Justices in favour of licensed grocers rather than publichouses. Twenty-two licensed houses in Helensburgh, 8 of them grocers—this is a ratio of 1 to 360 persons. Twelve unlicensed grocers, 5337-5339. All licensed grocers send out vans. There was once a suspicion of their hawking, but never knew of a conviction, 5340-41. Drinking habits of people have decreased. Table for last 5 years shows this. Bulk of these cases arise from drinking in publichouses, 5342-45. Giving is contravention of the certificate, 5349. Not common for women to get spirits unknown to husbands, 5354. Restriction pint or quart minimum would rather encourage drunkenness than otherwise, 5355. Sealing of no consequence if bottle properly corked, 5368. Approve of restriction in hours 8 to 8, would suit well, 5363. Grocer's sell better whisky than publichouses, 5365. When in trade never sold whisky under 2 years old. There would be no hardship in a regulation requiring it to be 12 months' old, 5366-68. Minimum rent varying according to population would not be sufficient, each locality must be considered, 5372-74.

BREMNER, JAMES FLEMING, CHIEF CONSTABLE; COUNTY OF FIFE:

Statistics of county except burgh of Dumfermline, 1193-1209. In 1862, 759 licences, 338 being grocers, 171 of these grocers in burghs, 1193. In 1876, 717 licences, 323 being grocers, 1194. The population since last census as increased by about 6000, exclusive of Dumfermline. At last census it was 140,000 in round numbers, 1195-97; in 1862 convictions for breach of peace 178. In 1872, 530; in 1876, 788, 1198. Drunk and incapables are not fined by the magistrates; they are locked up and dismissed with a reprimand, 1200-1202. They numbered in 1872, 253; in 1876, 287. Total convictions for all crimes in 1872 were 1056; in 1876 they were 1421. Percentage of persons under influence of drink when the crime was committed was 60 per cent., 1203. Explain increase in certain measure to more policemen being put on. Magistrates have been more vigilant, and there are more cases of a petty kind, 1204. Six years ago magistrates made regulations as to granting certificates. These were to appoint committees in the different districts for fixing a maximum number; the number fixed to be reviewed every three years; to grant no new certificate except in very special circumstances until the number fixed is reached; to refuse renewal after second conviction; not to alter grocers' certificates to publichouse unless such change was necessary and the premises suitable; and not to grant certificate to any female except in very special cases, 1208. The number has not yet been brought down to that fixed, 1211. There were 10 convictions against grocers for breach in 1872; in 1876, 7, 5 being in burghs, 1217. A good many cases have been reported and not dealt with, 1218. Have not the least doubt evasions are numerous, 1219. Detection is very difficult, 1220. Not so many breaches by drinking at wrong hours, as by drinking on premises, 1221. As a general rule the grocers close three hours before the publicans do, 1226. In burghs there are influences often at work in favor of the party suspected or accused 1228. Justices don't refuse certificate after one breach unless it is a bad one; after a second within three years they generally do, 1229. In burghs reported cases are often not dealt with, 1230-1234. Have known this in cases where I believed the evidence sufficient to convict, 1235-38. Drinking increases when wages are high, 1239-1272. Don't think grocers' licences tend to increase drunkenness more than publichouses, 1240. Very common to take spirits home from publichouses for Sunday drinking, 1243. Sale in

BREMNER, J. F.—*cont.*

open vessels almost unknown, 1244. Large number of those accused of drunkenness are habitual offenders, 1249. They are brought before a constituted court, 1252. Mining districts are not more troublesome than the rest of the country, 1255-56. Have heard that the police are treated, but never knew of a case, 1257. Police should have same power of entry as to publichouses, 1260-61. In many cases the grocery trade is subordinate to spirit trade, 1262. Have seen grocer's licence given after publichouse licence was refused, but not as a principle, 1263-64. Hawking by grocers not common, but have had frequent convictions against brewers' carts for hawking, 1267. General impression is that grocers sell better whisky than publicans, 1268. Children should not be supplied as messengers, 1276-78. Many grocers live in house connected with shop, but justices try as much as possible to prevent this, 1279. Don't know that it would improve matters if communication was forbidden. If a man is disposed to evade he will do it in spite of police. Better to get good class of men, and might be hardship to separate their premises entirely, 1280.

(App. D, No. 46, p. 501.)

BREW, WILLIAM, LICENSED GROCER, DUNDEE. See MR DAVID HENDERSON.

BROOKE, JOHN, GROCER AND WINE MERCHANT, HADDINGTON:

Abandoned spirit trade 15 years ago, 2424. Consumption of beer and wines increasing, 2427. Spirit shops should be instituted to sell for consumption off premises, 2430. Did not raise price of groceries on giving up spirit licence, 2435. In certain instances licensed grocers undersell unlicensed. They select an article, and cheapen it to attract, 2437. Sealed bottles would not mitigate the evil much, 2438. Principle evil is people get whisky so easily, 2438. Respectable public opinion is against drinking. If you lessen facilities for drinking, it will decrease, 2439.

BRUCE, ROBERT, PAPER MANUFACTURER, GLASGOW.

Was six years Provost of Hillhead, 5854. Population of Hillhead 8000. 1 publichouse, 12 licensed grocers, 1 unlicensed grocer, also branch of General Supply Association which has no licence, but the premises of association in Glasgow have licence, and can supply orders to Hillhead. Grocers open at 8, close at from 7 to 8, and on Saturdays from 9 to 10. This is done of their own accord for convenience. Average rental about £100. None live on premises. Magistrates have always opposed granting to publichouses, but never to respectable grocers. No complaints regarding their conduct of business. Little trouble with drunk and incapables except from neighbouring districts, 5855. Attach value to drink being taken away and not consumed on the premises, 5856. Don't see any disadvantage in grocers holding licence. In respectable grocers' shops, eyes of other purchasers are upon people, 5858. The effect of buying spirits from some one who did not sell groceries would be, that they would all be there for one purpose, which might lead to association for drinking, 5859. In grocers' shops there are generally a few present not buying spirits, who may act as a deterrent on the others, 5860. Don't think law is broken by grocers in Hillhead, 5863.

BRYCE, MR, MANAGER OF CALICO PRINTING WORKS, BARRHEAD:

No store at works, 5780. Concur with Mr Ormiston's statement, 5783. System of grocers' licence a good one, 5810. When men stop away from work, they are generally to be found at publichouse, never find them drinking at home, 5811. Drinking at home not carried to excess as in publichouse, 5812. Habit of working men to take beer at meals, or perhaps treat a friend at night, 5813. Our men exposed to great heat, has tendency to thirst, 5815-16. Never known a case of fictitious entry, 5817. Men should have means of getting drink where they are not allowed to consume on premises, 5819.

BUCHANAN, JOHN, LICENSED GROCER, CRAIL:

Concur generally with Mr Cowbrough, (p. 78), 1919. Was 13 years commercial traveller, 1919. Never was expected to treat, 1919. I have seen breaches committed, 1922. Not among better class of grocers, 1923. Believe back-shop drinking exists among smaller class of grocers, 1928.

BUCHANAN, WILLIAM, OF J. & W. BUCHANAN, WINE MERCHANTS, GLASGOW: See DANIEL CRAWFORD.

BURNS, JOHN PATERSON, TOBACCONIST AND FRUIT-BRER, INVERNESS:

Have been here 30 years as such. Object to grocers' licences on following grounds. Have two grocers above and two below me in Bridge Street. There are more than those in same street. One grocer near me has the licence and the other three have not. Licensed man near me can sell tobacco cheaper than I can; also know that he sells his onions cheaper. Think it unfair that by having a licence he is able to undersell me. Licensed grocer has benefit on chance of drink. Same evil affects wholesale man. Licence ought to be taken away. Authorities won't give me licence because I am a tobacconist. Licensed grocers sell groceries at lower prices than unlicensed to decoy people, 8562. Object to publichouse licence where they sell food and confections, 8563. Ladies get drink in this way, 8563-65. Females and young men servants in licensed restaurants are affected by it, 8566. There are demoralizing influences connected with such places apart from drink, 8567-8. Trade should be separated as a matter of justice to other trades, 8570. Have seen drinking on grocers' premises, 8571. From my experience in Glasgow, consider there would be no difficulty in separating trades. My own trade were never asked when duty on tobacco was lowered. Suffered severe loss. It was for the benefit of all. If separation is for benefit of all, it should be done, 8572. Suggest to give grocer liberty to have licence, and allow him 15 months or whatever time is thought right to enable him to make the separation. Add a third to the licences. Sheriff should be added as chairman to the court. Dr Cameron's Licensing Bill, 8574.

BURT, JOHN, COUNCILLOR, GLASGOW. See Rev. JAMES JOHNSTON.**BUTLER, DUGALD, MANAGER OF THE BRIDGETON VICTUALLING SOCIETY, GLASGOW:**

Have a license, 5894. Ours is working class business. Open at 8 shut at 7.30 and 10 on Saturdays. Members lodge deposit of £3, and we give credit to that amount. Demand for liquor not great, many of customers never getting spirits except in case of sickness. Would be hard to compel such to take a pint or bottle when a glass or half glass would do, 5895. Sale in small quantities when required for medicine, if accompanied by doctor's certificate would overcome this difficulty, 5896. No complaint against us during 50 years I have held licence.

C.**C. D., MILITARY PENSIONER, HAWICK:**

Have observed people drink in grocer's shop same as publichouse. Licensed grocer admitted this to witness, 3100. Magistrates lax in their duty, 3106. Evasions go on pretty openly, 3111. Can speak of two shops confidently where this takes place, 3113. Am not aware of evasions by grocers on Sunday. Have seen drunk people on Sunday, but think drink was obtained in public house, 3125. Never saw women drinking in shops I refer to.

CADENHEAD, GEORGE, PROCURATOR-FISCAL OF THE CITY OF ABERDEEN:

Magistrates have no fixed regulation or bye-laws for granting of licences. They have kept in view that they should diminish number; trust licences only to houses of construction and locality which they approved of, and to persons well recommended. Has been understood that divisions in grocers' shops, that might be used for concealing drinking, should be removed, and that if possible no grocer should live on shop premises, 7478. These conditions would be inapplicable to respectable shops, 7479-80. Great many licences have been refused owing to applicants living on premises, and an inseparable division has been insisted on in great number of shops, 7481-2. These conditions have been determined on owing to frequent breaches of law which have come under my notice, in official capacity have been great number of prosecutions, 7483-7. It is impression that grocers' shops—as a rule smaller class—are as much publichouses as grocers' shops, 7488. Grocer opening shop before 8 and keeping open as late as he liked gave facility for illegal drinking, and was not punishable offence in grocer keeping open his shop, 7491. Grocers should have same hours as publicans. People have got probably into habit of doing business pretty late. Don't think it would be inconvenience were they to shut at 8, 7492-6. Have had great many cases reported where evidence was insufficient—arose from ordinary difficulties, 7497-8. Law has made it simple in prosecuting shebeen cases, but in making similar change in regard to licensed

CADENHEAD, G.—cont.

grocers would be dangerous if not very carefully used. Magistrates have taken circumstantial evidence as being proper rule, 7499-7503. Magistrates do not take away certificates on second conviction. Grocer is more careful when he knows his certificate is in danger, 7504. Very difficult to detect breaches—customers act as spies, 7507. If effectual rule could be made that liquor could only be kept by grocer and sold in effectually sealed vessels, remedy would be provided, but can imagine great difficulty in making and imposing that rule, 7508-14. Magistrates have never formally come to any resolutions to recommend any change in existing laws, 7515. Facility for detecting shebeens is not estimated properly, 7516. Separation of trades would not tend to any great good. Think shebeens would increase. There are great number of shebeens of various sizes, 7519-24. Concur with Sheriff Thomson's suggestion that drinking places should be made as open as possible, so that no concealment should be made possible, and so that in grocers' shops there would be no obstruction to view, nor drinking behind casks, nor any obscuring of glass in windows, 7524-8. Has not come under my notice that wives of working people get drink at grocer's unknown to husbands. In most cases that have come under my notice the men were drunkards and not the women. Have heard it reported that women get lot of drink home from grocers, 7529. When licences granted am always present and give opinion if asked for it. Can make observations, 7530. Don't insist on man having been bred to grocery trade, but prefer man who knows business. Occasionally happens that grocer's licence is given when publichouse was asked for. Opinion prevailed for many years that grocer's licence was lesser evil, 7531-4. Most of respectable shops who wanted licence have got them, 7535-7. Very few grocers have not got the licence, 7538-9. Premises are inspected before licensing court. Magistrates inspect houses for which new licence is applied, 7542-3.

CALDER, HENRY, LICENSED GROCER, PORTOBELLO:

Member of association, 2441. Concur generally with Mr George Murray, 2570. 43 years in trade, 2566. Object to separation in interest of trade and public, 2567. Never difficulty in refusing to allow consumption on premises, 2568. Public houses should not have longer hours than grocers, 2570. Prices of whisky at different ages, 2571. No convictions or complaints in Portobello for 10 years, 2576. Forbes Mackenzie Act has worked well, 2576. Tasting samples necessary, 2576.

CAMPBELL, ARCHIBALD, CLERK OF THE PEACE, CITY OF EDINBURGH:

Fictitious entries of rare occurrence. During 20 years connection with Small Debt Court not more than 6 to 10 such cases, 3295. Entries under word "Goods" disallowed by justices, 3296. Have good many actions for recovery of small sums of money, 3300. Believe these loans are more to pay rents than meet grocers' accounts. Confirming committee under 1876 Act refused almost all cases before them this year, 3308. On ground they were not necessary, 3310.

CAMPBELL, ROBERT, CARPENTER, GREENOCK:

Was once an assistant to a licensed grocer, of whose practices I speak, and not of licensed grocers generally. Close to quay in Greenock. Persons engaged at quay used to drink in shop before 8 o'clock, 4184. This was in 1863, 4186. Have often marked provisions instead of drink; was told by him never to mark drink in books, 4188. Many women got spirits from him; some of them brought books, 4192.

CAMPBELL, DUGALD:

Was formerly bailie in Greenock, 4358. In justice of peace court, where I have been more or less for 5 or 6 years, have seen only two cases of fictitious entry. One case was proved, and the grocer was deprived of her licence. The other case evidence not sufficiently clear as to forfeit licence. In both cases the sellers were women, sometimes think licences should not be given to women. In all cases of conviction at Greenock, parties lived on premises, 4359. Union of trades is objectionable in small shops, but in west-end shops not so much a ground of objection as unfairness to grocers who are not licensed. There should be no sale in open vessels, 4360. There should be increased supervision over all classes of licensed houses. Special constables should be appointed to watch them. Publichouses and the lower class of grocers are not sufficiently watched. Grocers should have same hours as public houses. Object to Sunday steamers being licensed, 4361. They hold ordinary publichouse licence without any police supervision, 4362.

CAMPBELL, FINDLAY, LICENSED GROCER, HELENSBURGH :

My trade similar to that of Mr Heron, with whom I concur, 5410-11. Would consider one year short enough time to keep whisky in bond, 5425.

CARNEGIE, FRANCIS PIRIE, PROVISION MERCHANT, PERTH :

Am one of the magistrates of Perth, 7288. As regards grocers' licences think the trade in spirits is in as safe hands as it would be though the spirit and provision trades were separated. Was bred to the business and for past 14 years have had more or less to do with licensed grocers throughout Scotland, 7289. Sent letter to Commission in regard to Mr Salmond, who gave evidence at Edinburgh. Startled at statements he made. He was from Sept. 1871 to June 1874 in my service, 7290. He was dismissed, 7291. His statements are not true, 7292. Have visited same towns for 14 years past, and saw nothing, 7294. There should be no alteration of law except as to shortening hours, 7300. Have seen evasions in shape of treating, 7301.

CARSTAIRS, WM. WALLACE, LICENSED GROCER, KILMARNOCK :

Am now third representative of our firm. Joined the business in 1848. At that time sold to be consumed on premises. We, with other respectable grocers, discouraged the practice. After Forbes M'Kenzie Act some had to remain as grocers; others took to spirit trade. Consider that under 1862 Act grocers are much in same category as spirit-merchants. Have certificate from excise officer at Kilmarnock of 14 years' experience. Have never seen whisky sent into consumption of such age and quality as at Kilmarnock. Though made inquiry, never discovered cases of fictitious entry. Seldom seen evasion of law when travelling. Two cases in Kilmarnock lately. Merchant gave friend who had bought a cheese a pint of porter. Was convicted. The other case was tasting samples. Party was convicted. Counsel has since given opinion that *bona fide* showing of samples is not evasion. Many of us, both wholesale and retail, very hard not to be able to show samples. Fixing numbers according to population in many places would not do. Places where large influx of summer visitors. Of same opinion as to rent, 5750. Refusing licences will to certain extent give monopoly to some. Tendency has been to reduce, 5752. Many publichouses go in for inferior qualities so as to get greater profit. Never hear of hawking spirits in Ayrshire. As a rule grocers in Kilmarnock shut at 7, and at 9 on Saturday. As to drunken habits of women, police reports show that it is same parties frequently brought up. Consumption in Scotland not so great as supposed. All spirits sent to England and elsewhere are put down to consumption in Scotland. Doctors recommend people to grocers for spirits, 5753. Sealed bottle system would not do in country places, 5754. People bring their own bottle, and like to see it filled, 5755. They have gill and half-gill flat bottles, and some have fancy bottles, 5756-7. Goodwill commands better price if licence goes with it, 5758. There have been few cases of licensed grocer's business being sold along with a goodwill. The family generally continue it when a death occurs, 5760.

CATTO, JAMES, WHOLESALE SPIRIT MERCHANT, ABERDEEN :

Supply town and country dealers. Have been in business for 30 years, 16 of which travelled in town. Never heard of or saw single case of adulteration in connection with whisky other than mixing water with it, 8048. Deal in all kinds of spirits. New whisky is injurious to system. No spirits should be allowed out of bond until it has been there three years. If this plan were adopted drunkenness would be diminished one-half. Raw or new spirit occasions sudden drunkenness, 8049-50. Adulteration does not exist in Aberdeen. Foreign spirit is not used here. It may come into some districts mixed, 8051-7. Am certain that brandy that is sold in town by dealers is not adulterated, 8058-9. Never heard of spirit breaking, 8060-4. If adulteration takes place would have heard of it, 8065-6. Don't think people much addicted to drink prefer adulterated whisky. Sell pure whisky here, 8067-70. Am told keeping does not improve German spirit. Expect you could not detect spirits mixed with German spirits without drinking them. A chemist might, 8071-3.

CHALMERS, ROBERT WATSON, SOLICITOR, GREENOCK :

Have seen several cases since 1868 of fictitious entries. Last case most frequent entry was 'laq,' 4136. The entry was struck off, 4137. Transfers generally take

CHALMERS, R. W.—cont.

place from father to son, or from one member of a family to another, 3140. Frequently been told by working men that facility for getting drink at grocers' led their wives to intemperate habits, 4142. Grocer's licence worse than publichouse licence. Families will go to grocers and not to publichouse, 4145. Trades should be separated, 4147. Do not consider licensed grocers have vested interests, 4148. Would let party choose which trade he would adopt. Same party might carry on both trades, provided licensed house was a considerable distance from grocers' shop, 4152. Am connected with an association, but give independent testimony, 4162. Would be glad to see whole drink traffic suppressed, 4166.

CHRISTIE, JAMES, LICENSED GROCER, EDINBURGH :

Member of association, 2441. Concur generally with Mr George Murray, 2541. Have large working class connection, 2510. Always send out spirits in corked bottles, 2522. Don't allow open vessels, 2522. Sealed bottles would be hardship, 2523. Some wages paid on Saturday, 2536. To suit such would necessitate longer hours on Saturday, 2536. Agreeable to gill minimum, 2541. Observed very few irregularities in my travelling visits, 2545. Would not object to increased supervision, 2543.

CHRISTISON, WILLIAM, LICENSED GROCER, KIRRIEMUIR :

Represents the six licensed grocers of Kirriemuir, who concur in the following statement. Find that families in town and country prefer getting wines and spirits along with their groceries. Have never been asked to make fictitious entries. Sale in open vessels is unknown in Kirriemuir. Quart minimum would do no good. Hours should be 8 to 8, and 10 on Saturdays. On the whole, the licensed grocer conducts his trade respectably. Unprincipled persons might take advantage of the storage of stock in cellars, 6653-4. Children go to grocers for a gill of wine for a sick person, and so on, 6660. Spirits are rarely sold in a grocer's before two years old. Would have no objection if it were a law, 6662-3. Was not aware that police hadn't same power over grocers as over publicans, 6664.

CLARK, JAMES, WEIGHER, GREENOCK :

From 1864 to 1869 was assistant to licensed grocer 4194. We entered liquor in pass-book as goods and sundries, 4195. It was the use and wont when I went there, and I followed it out, 4196. This only done to some of our customers, 4198. One case we sued party for debt, had to give a detailed statement. We entered soap and what not instead of liquor, 4199. Have seen liquor consumed on the premises, 4203. We had backshop where they used to go, 4204. That shop has no licence now, 4206.

CLARK, THOMAS, COUNTY PROCURATOR-FISCAL AT AIRDRIE.

For seven years in present position, 5027. Eighteen licensed grocers in Airdrie, many of them low-rented. No convictions last year, 4 in 1876, and 4 in 1875, 5028-32. Good many cases not prosecuted, 5033. Many cases to recover accounts come before Small Debt Court, 5036. Liquor rarely entered as such; generally as some eatable, the price of which would correspond with the price of a glass or gill of whisky. We struck off such entries, 5040-41. In a great many instances these debts were contracted without husband's knowledge. False entry made to deceive husband and evade Tippling Act, 5044-45. Know this from husband objecting, 5047. The grocer, when examined, rarely supported wrong entry, 5049-50. Cannot say what sort of evasions they were for which these convictions were obtained, 5053.

CLARK, ROBERT, BAILIE, NEWBURGH :

In Newburgh 4 hotels, 7 licensed grocers, 7 publichouses, 2 porter and ale licences, and 1 brewer, to a population of 2500, 6496. During last five years 120 convictions for breach of the peace, &c., mostly having proceeded from drink, 6497. During last 10 years 1 conviction against a licensed grocer, 6499. Do not think there is much drinking in grocers' shops, 6500-1. Am a member of the licensing bench. Do not know where to draw the line in granting grocers' licences, 6503-4. Believe that grocers keep better drink than publicans. Have known drink sold by publicans at the annual market to be adulterated with spirits of wine, 6505-9. Am in favour of the present system, but would make grocers' hours the same as publicans', 6511. Do not know that whisky is sold in open vessels in Newburgh, 6512. Would not make pint or quart minimum. Are greatly troubled on Sundays with drunk people, having got drink on steamers, 6513.

CLELLAND, MRS, BIBLE WOMAN, EDINBURGH:

Fictitious entries. Have seen bill with such, 3067. Have heard other instances, 3068. Habit of buying drink on Saturday to consume on Sunday increasing, 3070. Lived next door to licensed grocer, and knew of drink going on on Sunday, 3075. Often seen open vessels, jugs, and cans carried out by women, boys, and girls, young children, 3078-83. Never saw children tasting the liquor, 3084.

COLVIN, JOHN, CLERK OF THE PEACE FOR INVERNESS-SHIRE:

Have been so since February 1870, 8581. Licensed grocers not numerous in county, and more free from abuse than any other place, 8582. Have seldom seen cases before Small Debt Court where liquor was entered. It may have occurred in Sheriff Court. Have seen cases of fictitious entries once or twice. It all goes before Sheriff, 8583-4. Justices are inclined to grant grocers' licences rather than publichouse. Consider they are not so injurious. If terms of certificate were enforced very little injury would result. Police should have power of inspection, 8586-8. There may be cases of evasion which do not come to knowledge of authorities, 8590. Where there is neither grocer nor publichouse, it is common for a shebeen to start. Publichouse is more injurious than grocer's shop, 8591-2. Do not know of any cases of drinking in open air. District is better without any licence, 8593. They used to have publichouse in Daviot, and things would be as bad then as now, 8594. As far as I know, action of justices is uniform over county. Strong tendency to diminish number of licences, 8596-7.

COOK, ANGUS, CHAINMAKER, GREENOCK:

Landlady with whom I stayed got spirits for me at grocer's shop, 4176 to 4178. This was in Glasgow. The spirits were not entered as such in my grocer's bill, 4179. In 1866 got spirits in grocer's back shop in Glasgow, 4182. Concur with Mr Hodge, 4223.

COUTTS, ANDREW M., UNLICENSED GROCER, EDINBURGH:

Never applied for licence though bred to trade, 3028. Some shops have best trade before 8 A.M., after 11 P.M., 3029. Have seen many breaches, 3029. 400 in 15 years in trade, 3034.

COWAN, JAMES, M.P. FOR CITY OF EDINBURGH:

Had to do with the movement which led to the appointment of this Commission, and introduced grocers' deputation to Mr Cross, 2239. Appear as independent witness on behalf of the trade, 2240. Statement by Mr Clark. (See App. D, p. 505). Shows that in spite of increase of grocers' licences, committals for drunkenness have decreased since Forbes M'Kenzie Act was passed, 2240. Percentage in 1854 was 3.18, in 1871 '89, and now it is 1.09, 2241. This shows slight increase since 1871, when percentage was at its lowest, 2242-45. But great diminution since Act of 1853, 2247. Would not consider it an evil that the domestic use of spirits should increase, 2248. Public morals have in my opinion improved, 2249-50. Hours should be universally restricted. Grocers are generally in favour of this; so also are some better class publicans, 2253-55. Number of persons drunk when apprehended have increased, but consider numbers drunk and incapable the better test, as men who commit crimes are generally somewhat elevated, 2256. Personally don't look so much to criminal drunkards as ordinary drunkards, 2259. Limit to quart or pint bottle is not desirable. It would force people to take home more than was necessary, 2260. However small the bottle, it should be sealed, 2262. Some restrictions are wanted on smaller grocers in country districts, 2263. Also smaller grocers in town, 2264. As a body grocers are anxious to conduct the trade in an honourable manner, 2265. Have no suggestion to make except as to reduction of hours, and sealed vessels, 2266-67. It would be an improvement if no cask on tap was allowed in the shop, 2269.

COWBROUGH, JAMES, LICENSED GROCER, STERLING:

Thirty years in business, 1789. Statement showing loss separation of trades would entail on account of having invested so much capital with a view to carry on combined trades. Increase in consumption arises from higher wages, increase of incomes, and increase of population. We never sell to be consumed on premises, and have no difficulty in keeping by the Act. Separation would not decrease consumption. Grocers' licences have not tended to increase drunkenness, but rather the opposite. We often are under restraint at home. Not aware of any convictions against grocers in the neighbourhood. Grocers should be made to close earlier. We send vans to country, but only for delivery of orders, 1790. Would suggest

COWBROUGH, J.—cont.

that hours should be from 8 A.M. to 9 P.M., 1793. Our customers don't send for drink in open vessels. Our rule is to decline to serve such. Our sale is in corked bottles. Customers come with empty bottles to be filled, 1797-1801. Would not personally object to sealed bottles, but object generally to them as a hardship to the trade, 1802-4. Children are sent for spirits. They cannot taste it, for bottles are securely corked, 1807-11. Having no cask on tap in the shop would entail great labour on the merchant, 1812. Would rather adopt the gill bottle than pint or quart, 1814.

CRASTER, JOHN, SUPERINTENDENT WELLINGTON REFORMATORY:

Licensed grocers tend to increase juvenile crime, 2366. I say this from facts come to my knowledge. The largest number of juvenile delinquents come from localities where many licences, 2366. Send children to grocer at earlier age than to publichouse, 2368. Credit is given at grocers, a reason for going, 2374. Only remedy, no drink at grocers, 2377. Sealed bottles might modify the evil, 2378.

CRAWFORD, DANIEL, WINE MERCHANT, GLASGOW:

Presents memorial signed by ten firms of wine merchants in Glasgow. Memorialists hold grocers' licences, but do not trade in groceries, thus every year falsely describe themselves as grocers. In England parties in similar business do not require certificates; they get dealers' licence for £10, 10s. from Excise, and are then entitled to retail licence on payment of £3, 3s. for wines and spirits not to be consumed on the premises. We wish to be put on same footing as in England, 4950. From 25 to 30 of our trade in Glasgow mostly old established houses, 4951-2. Unless something be proved against us we should be allowed to retain certificates we get at starting, and not be allowed to come up yearly, 4954. Must have retail licence to sell less than 3 gallons, 4956. We never sell less than a bottle. Tasting samples in shop should be permitted, 4962. Under grocers' licence it is illegal to do so, 4965-6. The licences which similar merchants in England get are different from ours, 4967-8.

CRICHTON, JAMES, of Messrs PRINGLE & CRICHTON, WHOLESALE TEA MERCHANTS, GLASGOW:

The law, if stringently applied, is ample to meet any deviations. Evasions of late years have been fewer in number. Have frequently seen cases of back shop drinking in certain towns. Dundee, ten or twelve years ago, was the worst, now it is less visible, and am told it is owing to stringent application of the law. In Glasgow large proportion of the licensed grocers are in the West End. If grocer means to keep his trade up, and conduct it so as to meet the wants of his customers, it is essential for him to possess a licence, 5670. It is hard upon a respectable grocer to be refused a licence, 5671. Such licences should be given according to demand for them by the trade. I speak of West End localities, 5672-3. Separation of trades would be great inconvenience to people in West End localities, 5674. Grocery trade could not support so many men if it was not helped by the spirit trade, 5676. If separation was required by Parliament, not done in a hurry and due notice given, things would, through time, arrange themselves, 5677. Drinking on premises has not prevailed to any extent in Glasgow for the last 12 years. Now don't know of any one place where it is done, 5677. Treating travellers and customers unknown in Glasgow. Fictitious entries not a practice in Glasgow, 5678. The women who buy liquor from grocers, not as a convenience, but because they have a taste for it, would not be deterred from going to a publichouse for it, 5679. It may be inferred from unlicensed grocers in Glasgow being greatly in excess of licensed that the inconvenience of having to go to two shops is not felt, 5683. Unlicensed grocer in poorer localities does large trade; people don't object to going to publichouse. In West End localities the trade is different, 5683. Tested whiskies for own curiosity. Got 6 samples from different grocers, and 6 at same prices from different publichouses. Had them analysed. Grocers' was 8.4 stronger than publicans, both good and free from adulteration, 5684. No fuel oil in either. Don't know ages of them, 5685-6. Minimum quantity should be regulated by wants of purchaser, 5688. All licensed places should close at 8 p.m., 5688. Making rent the basis of licensing would not work, 5689. Am in favour of licensing the man and not the house, 5692. All licences should be for consumption off the premises, 5692. Except hotels and restaurants, who should sell nothing stronger than beer or whisky the strength of beer, 5692-4. Keeping

CRICHTON, J.—*cont.*

whisky in bond till two years old would put a monopoly in hands of capitalists, and so be a loss to the public, 5721.

CROOKS, JOHN, POWER-LOOM TENTER, DUNDEE:

Have known fellow-workmen to frequent licensed grocers' shops daily, and consume drink on the premises, which was given on credit, 6708-7. Know the shops frequented; there are several; have known it within present year, 6708-11. It is generally at diet hours, and after 6 o'clock, 6713. It is generally either in back shop or behind boxes, 6714. Know of 2 or 3 men who do this constantly, and do not think they would go to public-house, 6717-19. Wife of intimate friend addicted to drink, through getting it on credit, and marked often as goods from grocer, 6721. Give list of shops referred to, 6724. Am total abstainer; have been so for 5 years, 6726-7.

CUMMING, DUNCAN, LICENSED GROCER, MONTROSE:

Have had licence for 26 years. Rent is £14, but have large business, 8203-5. Statement by witness. Customers are mostly of working classes. Have never made fictitious entries. Was never asked to do so. Believe intemperance is decreasing, but wines and spirits are much more used now. Large proportion of sales are in less quantities than quart, 2 gills being common. Nearly all the gin I sell is for medicine. Sell wines and gin daily for that purpose. Sell considerable quantity of spirits and malt liquors to working men, hardly one who is not sober and industrious. Think grocers in Montrose obey the law. Nineteen-twentieths of grocery trade is done by licensed grocers. Many of us were glad when made illegal to sell for consumption on premises. Practice is now almost stopped. Dram-drinking and retail business cannot thrive together. Quart and pint minimum would be injurious to grocer, hardship to poor people, and would promote intemperance. No good in separation of trades, would inconvenience public, and likely increase prices, 8206. Think there are very few now who have little business besides selling spirits, 8207. Windows of grocers' shops are not so much obscured as those of public-houses. Should be open, 8208-9. Working people generally send their own bottles for spirits, 8210. Some of my family assist me in business. Have never had any fear of them acquiring a taste for drink from having it so much in their hands, 8211-17. Would not be great inconvenience, if required not to keep spirits on tap in shop, and that whatever quantity were sold it should be in bottles. Sell perhaps between 12 and 15 gallons per week, 8218-23.

CURRIE, WALTER THOMSON, DEPUTY CLERK OF PEACE, COUNTY OF FORFAR:

Have seen cases in court for grocers' accounts, 6438. Seen cases where items for spirits and drink have been disputed. Justices meet once a fortnight. Average of about 1000 cases per annum. Previous to wages arrestment they were about 1500 in number. When objection is taken, part of my duty as assessor is to examine account. Suspicion often aroused by frequency of entries of tea, sugar, &c. On asking if it is not really for whisky, in nine cases out of ten answered, Yes, 6439. In some cases it is alleged to be got by wife without knowledge of husband, 6441. Less credit is given since Wages Arrestment Act, hence fewer cases, 6446. Occasionally have actions for debt for money lent, 6448. Very seldom in grocers' bills, 6449. Have no experience of a class of money lenders who lend to working men, 6451. Grocers' licences in 7 districts of county, not in burghs, 6452. Dundee, 14 outwith the burgh; Arbroath, 7; Montrose, 1; Brechin, none; Forfar, 3; Kirriemuir, 7, 3 or 4 of which are in town of Kirriemuir; Coupar Angus, 1,—only a small part of Coupar Angus is in Forfarshire, 6452-53.

D.

DALGLIESH, WILLIAM, CHIEF MAGISTRATE OF CUMNOCK:

Population of about 3000, 4364. Chiefly mining population, 4365. Four licensed grocers, 7 public-houses, and 2 hotels, 4366. Number has not increased of late, 4367. Justices keep down numbers as far as possible, 4368. At last court the justices present all condemned system of grocers' licences; the only application was refused, 4369. They look upon system as a bad combination. Personally think it unfair to publican, hotel-keeper, and unlicensed grocer, 4371. The licensed grocers in Cumnock pretty well conducted, 4374. Believe in some cases people drink through being able to get it at licensed grocer, who would not do so if they had to send to public-house, 4375.

DALGLIESH, W.—*cont.*

There are a good many unlicensed grocers in Cumnock. Three of the four grocers in Cumnock have shop and dwelling-house attached, 4378. Had one conviction a fortnight ago for selling after hours, 4390. This is the only conviction for some time. Sale in open vessels largely practised, 4391. They send children for it, also buy it from stores and drink it on the roadsides, 4392. These stores do not belong to the owner of works; they are co-operative, 4395. They are conducted by the company's men, and profits are divided among customers at end of year, 4396. In Auchinleck 4 licensed grocers, 3 held by co-operative stores and one by private individual, 4399.

DAVIDSON, HENRY MARSHALL, CLERK OF PEACE AND SHERIFF-CLERK, COUNTY OF HADDINGTON:

Licences in East Lothian, 2688-89. By reducing licences increase of drunkenness prevented, 2690. Conduct of grocery trade good, 2692. No necessity for any change of law, 2692. Changing pay day from Saturday to Monday diminished drinking, 2706. Should not be open later on Saturday than other days, 2706. Hours should be 8 A.M. to 8 P.M., 2706. Further reduction of numbers might be satisfactory, 2714. Particularly in villages, 2714. No doubt having spirit licence increases business, 2715. Too great reduction in numbers of licensed house has the effect of causing shebeening, 2723.

DAVIDSON, ALEXANDER, CHIEF CONSTABLE OF KIRKCUDBRIGHTSHIRE:

Eleven years chief constable. Statistics of county, population, 41,859, 81 licensed grocers, 111 licensed houses in all. In 1850 justices made regulations for purposes of reduction of licences. There were then 155, 3846-54. Not many grocers' licences applied for, and they are generally refused, 3855. Trades should be separated. There should be spirit-merchants and grocers, 3858. There is trade, I think, for both, 3859. Three cases of breach in last 5 years, 3860. Do not think the evasions are numerous, 3861. Provisions and drink should not be sold in the same place, 3866. Don't think there is any hawking by carts in this county, 3867. Licensed places should be closed on hiring and fair days, 3868. Don't think this restriction would lead to illicit trade, 3870. Would have refreshments, but no liquors, 3871. Not much drunkenness in the county, 3877. In event of separation, would continue present licences until change of occupancy, and would forfeit on one conviction, 3878. In burghs drunk and incapables are brought before the magistrates. In the country it is not so, 3879. The expense of prosecution is too great, 3882. It can't be done in a summary manner; there must be a written complaint, 3884.

DAWSON, JOHN, LICENSED GROCER, AILLOA:

Concur generally with Mr Cowbrough, 1859. Hours should be 8 A.M. to 9 P.M., and 10 on Saturdays, 1859. Publicans should close earlier also, 1860. One-fourth of sale in small quantities, 1865. Have observed breaches, and believe they exist, 1868. Should be penalty on purchaser also, 1870. No barrel on tap in shop inconvenient, 1873. Purchaser and seller similar punishment, 1875. Travelers treating not the custom, 1901.

DEWAR, DAVID, SUPERINTENDENT OF POLICE, DUNDEE:

Twelve months in present situation, 6097. Concur with Provost Robertson in every respect, 6099. Was superintendent of police in Greenock for 13 years, 6101. Have met when there some isolated cases of women getting liquor from grocers without knowledge of husband, 6102-4. Don't think system of grocers' licences has increased drunkenness, 6105. Very common to find bottle in pockets of persons apprehended for drunkenness; the bottle has seldom a grocer's label on it; more frequently a publican's, 6106. From information supplied by my officers, there are between 20 and 30 per cent. of licensed grocers in Dundee suspected of evading the law, 6108. They have great difficulty in detecting, from want of full power to enter the shop, 6109. Majority have their windows obscured, 6111. Selling in sealed bottles, and having no cask on tap in shop would be advantageous, 6115. Area of shop should be open to view, and there should be no back or side rooms, 6118. Treating police does not prevail to any extent, 6120. Greenock grocers on the whole a respectable class, 6121. A few reports have been made as to houses from which people have been seen to issue drunk, 6123-26. It was also done in Greenock, and occupiers of houses reported on were admonished by the magistrates, 6127. Not prepared to say separation of trades would be advisable, 6132. The danger of increasing public-house traffic might arise, which

DEWAR, D.—*cont.*

would be productive of as great if not greater evils, 6133-34. It is a different class of women who get drink at grocers from that which goes to publichouse, 6137. If licence were confined to one class of house, police would have less difficulty in carrying out the law, 6138. The number of breaches which a grocer may commit is greater than a publican can commit, and so they require more watching, 6141.

DICKIE, JAMES, TOWN CLERK AND PROCURATOR-FISCAL, IRVINE:

Statistics of burgh, 75 licences; proportion to population, 1 to 130. Since 1866 licences have increased, 4494-4501. Very few applications refused, 4502. Grocers' licences have increased considerably, 4504. Some justices now think this a mistake, 4505. Sometimes they have given grocer's licence where publichouse refused, 4506. From 1863 to 1876, 30 convictions against grocers, 4523. The law as to detection is weak. Police should have more power of inspection. Would give this to sergeant or superintendent, not to common constable, 4525. Grocers should have same hours as publichouses, 4528. Would approve of similar licensing body, 4529. Two licences refused this year by appeal committee, 4530. Grocers should not be allowed anything to be consumed on the premises, 4531. Fictitious entries very common, There should be limit in regard to rent, 4532.

DICKSON, ALEXANDER, LICENSED GROCER, EDINBURGH:

Member of association, 2441. Generally concur with Mr George Murray (p. 100), 2495. Separation of trades would drive women and children to publichouses, 2496. People seldom wish to consume on premises, 2501. Not much trade with poorer classes, 2503.

DICKSON, JOHN, LABOURER, DUNDEE:

Sent a grocer's bill some time since to Commission, in which spirits are marked as 'aqua.' My boy was sent in the spring of this year by woman for whisky. She gave him a penny for it. The liquor was drunk in my house by her and my wife, 6674-76. All this happened with same grocer—one of the principal shops in Dundee, 6678. Before being a labourer, was in the navy 5 years, and through losing use of right arm got a publichouse licence, 6681. The above bill is dated August 1877, 6685. It is general practice in town for grocers to give drink on credit, 6694.

(App. D, No. 3, p. 488.)

DOBSON, THOMAS, MANAGER OF WORKS, WHITEINCH:

No licensed store in connection with our works, 5780. Concur with Mr John Ormiston, 5783. Drunkenness diminished in Whiteinch since there was a licensed grocer, from what cause don't know, 5799-5801. This grocer has large trade in liquor. Men drink at home and not in publichouse, 5802-3. Our works are shipbuilding yards, 5805. Men have been earning less of late. This would lead to less drinking. Diminution I speak of was six or seven years ago, 5806-7. Habits of men getting better, 5808.

DUNDAS, ROBERT OF ARNISTON, CONVENER OF COUNTY OF EDINBURGH:

Spirits should be sold in sealed bottles, 2834. No spirits should be in shop except in sealed bottles; sealed bottles should be small, 2834. Am strongly in favour of grocers' licences, 2835. The great difficulty in licensing is selecting when there are more applicants than licences necessary desirable, 2841. Small number of licences lead to shebeening, 2844. Sealed bottles only change I should recommend, 2846. Grocers' should be prepared to take trouble if thought necessary, 2849. Not uncommon to refuse publichouse licence and grant grocer's, 2854. Would recommend sealed bottles for town as well as country, 2856. Would have no restriction as to apprenticeship, 2859.

DUNNACHIE, THOMAS, MANAGER OF STAR FIRECLAY BRICKWORK, GLENBOIG:

Glenboig is about 1½ miles from Gartaherrie, 5955. Much annoyed with carts going round. They go from house to house for orders, and give credit, 5956. They give orders on the Friday and are supplied on Saturday, 5957. The outcome of this practice is a large number of drunken women, 5958. It is one grocer from Coatbridge who does this. We have publichouse and grocer's shop close to one another held by same party, only a partition between, 5959. Separation of trades should be a reality. This is only a sham, but there is a deal of it in country places. He is unlicensed grocer on one side of partition and a licensed publican on the other, 5960. The fault

DUNNACHIE, T.—*cont.*

lies with the magistrates. Drunkenness among our work people is fearful, 5961. They get their drink at both grocer's and publichouse. Wish to point out that law is evaded by this grocer, shop being virtually a licensed shop after all, 5962. The grocer goes to the shop and gets what drink is wanted, 5964. If the publichouse were at a distance it might be somewhat different, 5967.

DUNNE, JOHN, CHIEF CONSTABLE OF THE COUNTIES OF CUMBERLAND AND WESTMORELAND:

Twenty-one years in present position, previously chief of police at Newcastle and Norwich, 4970. When I was at Newcastle, besides publichouse and beerhouse licence, there was wine merchants' licence. The grocers' licence did not then exist, 4971-2. Some wine merchant's had retail licence also of the nature of a publichouse licence 4975-6. Grocers' licence in England unknown until passing of Act 24 and 25, Vic. cap. 21, sec. 2, 4977. The applicant for such licence by 35 and 36 Vic. cap. 94, sec. 68, requires a certificate from the justices that certain statutory conditions have been complied with takes the certificate to the excise, who grant the licence. Magistrates have no power to withhold the licence if conditions have been complied with, 4978-81. Previous to this Act, Excise granted the licence, 4982. The conditions requisite are suitable premises, no previous convictions, and no conviction for felony. The Beerhouse Bill of 1869 transferred granting of beerhouse licences from the excise to the magistrates, 4984. The licence to sell not to be consumed on premises granted without limitation of numbers provided conditions of the Act are satisfied, 4986. Numbers have not greatly increased. Licensing authorities complain of not having the power to withhold them, 4987. These licences are not numerous in Carlisle, 4989. One conviction this year of a grocer for selling on Sunday, 4991. Allegations have been made as to women taking home spirits from grocers' shops. Have made full inquiry in my two counties regarding this. Result being that no evidence was got to prove that such is the case, 4991. They do not harbour people and allow them to drink in shop, but often give a glass as a treat, 4992. A few years ago a good many cases of buying in grocers' shops and drinking just outside, 4993. The restriction to hours is the same with grocers as publichouses, 4995. Grocers' licence appears in country districts to be coveted, because it brings more ordinary business. In Cumberland only 34 grocers to 189,171 people, 4996. Proportion of beerhouses and publichouses to population 1 to 159, 4999. Refreshment houses sell no spirits, only wines and liqueurs, 5000-2. Chairman of my county authorised me to state his opinion that it would be for the public benefit if all those licences were placed under the magistrates, 5003. There is no general feeling against the system provided it were put in the hands of the magistrates, 5004. In Westmoreland there are 4 refreshment houses and 16 licensed grocers. Beerhouses and publichouses are as 1 to 203 of the population. There are fewer licensed houses in Westmoreland than in Cumberland, because latter is a mineral county, 5007. Believe the grocers' licences to be held by respectable people not of small rental, 5008. By Act of 1869 we punish purchaser as well as seller if reasonable grounds to believe that he was instrumental in inducing the publican to commit breach, 5012. This law applies merely to publichouses and beerhouses, not to grocer, 5013. Do not know that it is illegal for grocer to give a glass of wine; there must be proof of sale to make it an illegal act, 5015. It has so been held. By 1874 Act the publican may entertain during prohibited hours, the onus being on him to show that it was *bona fide* entertainment, 5016. To a certain extent casks are kept in shop; thus no doubt he could fill bottle from cask and sell it without being guilty of an offence, 5021-23. Efforts are being made to prevent drunkenness in our counties by introducing counter-attractions, such as clubs and coffee houses for workmen, where coffee, tea, and cocoa are sold, periodicals kept, and smoking permitted. The Artizan's Dwelling Act is doing much good by doing away with overcrowding, 5023-25.

DURIE, CHARLES, LICENSED GROCER, MONTROSE:

Have held licence 28 years. Have never made fictitious entries for evasion of Tippling Act. Was never asked to mark down anything else for liquor. Believe drunkenness is on decrease. Majority of sales are in less quantities than quart or pint bottle. For medicinal purposes greater quantity has been in gills, half-gills, and 2 gills in customers' own flasks, 7742-4. Consider Forbes M'Kenzie Act generally well obeyed. General grocery trade was averse to selling for consumption on premises.

DURIE C.—cont.

Restriction to quart bottle would drive parties to public-house. Do not think drinking in back shops is generally carried on in Montrose. Would be injurious to trade and community were trades separated, 7774-6. Present law, if properly carried out, is sufficient to regulate the trade. Don't think drinking on premises can go on without police being able to see it, 7746-8. Instead of fixed rental, fixed licence of £10, 10s. should be adopted. This would keep small grocers out, 7748-50. Did not know till this inquiry commenced that police had not same facilities for entering grocers' shops as for publichouses. All licensed grocers in Montrose have been acting on that belief, 7751-2. Hours should be 8 to 8, and 9 on Saturdays, but publicans should only sell for consumption on premises after that hour, 7752-6. Grocers in Montrose could not dispense with side doors, as great bulk of goods is brought in by them. Property above shops in Montrose belong to good many of the grocers themselves, and would be disadvantage to them, after laying out £2000 or £3000, to be prohibited from dwelling in them, 7756.

DURWARD, GEORGE, GROCER AND SPIRIT DEALER, ARBROATH:

Concur with Mr James Fox, 6907. Would be quite agreeable if it were law not to sell spirits under 2 years old, 6905.

E.**E. F., PATTERN-MAKER, EDINBURGH:**

For 15 years been earning 26s. a week, 3131. My wife got in debt with grocers unknown to me. She went on tipping, then left me. Grocer's bill came in. Offered to pay on receipt of correct account. If not received refused to pay. Never heard more of account, 3133. Money-lenders do large business, 3134. 150 loans in week from £1 to £10., 2s. per £ interest. Money lent to working men, 3134 to 3145. Am treasurer of yearly society, 3146. We lend money at 1s. per £, 3150. Our society is registered, 3153. Quite common for women to get drink from grocers without their husband's knowledge, 3157.

ESSLEMONT, PETER, WHOLESALE MERCHANT, ABERDEEN:

Formerly magistrate of Aberdeen, 7973. Statement.—In following business have travelled good deal in Scotland and also in America. Lived in Aberdeen for last 28 years. Have given considerable attention to subject of inquiry, and was for 4 years one of magistrates who form burgh licensing court. Have come to conclusion that Forbes M'Kenzie Act would have been of much more value could its clauses have been more thoroughly enforced in respect of grocers' licences. Know that majority of licensed grocers systematically and persistently violate their certificates by selling to be consumed on premises. Think great good would accrue from separation of trades. Number of licensed grocers is so great that it is impossible for police to detect many breaches. Police are often induced to shut their eyes to violation of the law. Fines not sufficient to prevent breaches. Transfers ought to be avoided except in case of death of tenant. Were trade carried on by wine and spirit merchants, number of licences would be reduced to a quarter or less of present number, and keeping of dealers strictly to their certificates would be easy. Do not think those holding licence have any legal claim to hold it more than one year; yet, as a matter of equity, there would be much ground for complaint by those who have capital invested were they called on at once to conform to alteration of law. No new licences should be granted, and 7 or 10 years should be allowed to present holders to prepare for change. In rural districts business might be done by inns or hotels. If trades were separated hawking could not be done. After close observation for 20 years have come to conclusion that increased facilities for getting drink lead to more drinking and prevalence of drunkenness. Differ from Mr Macdonald, M.P., and others who think to drink in public-house is better than at home. Restraining influences are brought to bear on persons at home, whereas interest of seller is to supply as long as money lasts. Suppression of number of grocers' licences would not lead to increased publichouse drinking. Publichouses should not exist. They form great temptation, and prove a snare to large numbers in localities in which they are situated. It has been proved that restriction of trade in intoxicating drinks is necessary. Great number of licences has rendered trade unremunerative. To render business profitable inferior spirits are sold. Separation of trades would reduce number to minimum, and make legislation more

ESSLEMONT, P.—cont.

easy and effective. Hours should be 8 to 8. In case of spirit merchants would be hardship if drink could not be obtained in small quantities. Give figures that show operation of licensing court in Aberdeen since 1854. In 1854, 127, and in 1876, 276 grocers or spiritdealers. Figures refer to royalty, boundary of which was extended in 1871. In end of 1873 an influential meeting of citizens was held to consider best means of removing evils of intemperance, at which a motion was unanimously agreed to appointing committee to draw up resolutions in favour of reduction of publichouse licences, limitation of hours of sale, abolition of grocers' licences and court of appeal; and at subsequent meeting to hear report of committee, the finding of meeting was that it is desirable, with view to ultimate separation of trades, no new grocer's licence be granted nor transferred. Was, however, agreed not to press resolution on magistrates till legislature had decided as to alteration of statute. 71 publichouses under £10 rent, and from £10 to £20, 52 in Aberdeen. Magistrates have been improving this state of things since, 7974. As soon as vested interests will permit change should be made, 7976. No effective means without separation, but reduction of number of licences and making breaches punishable by forfeiture of certificate would give holders stronger interest in keeping law, and detection would not be so difficult, 7976*-77. Drinking in grocers' shops is of very frequent occurrence. Have seen it when visiting houses when transfers were wanted, 7979. Respectable licensed grocers are frequently Commissioners of Police, and owing to that, working of Act is exceedingly awkward, 7980-1. Good many in trade think this restriction is arbitrary, and not so much a breach of morality. Say that advisedly, 7982-4. In some cases police are encouraged, and in some not. Depends more on energy of superintendent, who is always affected by tone of commissioners, 7986-9. 100 police in Aberdeen, only half of which number can be on duty at one time, 7991.

EWEN, PROVOST OF HAWICK:

Justice of peace of county of Roxburgh, 941. Four years magistrate, 942. Returns relating to Hawick show decrease of 11 grocers' licences in 8 years, 944; and decrease of all licensed houses; 29 convictions against grocers last 10 years, 944. There may be evasions, but they are difficult to detect, 949. Trade better conducted by grocers' shops than spirit shops, 954. Minimum rent would not work, 956. Would leave that to licensing authorities, 957. In licensing new premises don't allow back doors, 958, or communication between shop and house, 961. We sometimes refuse to renew after one conviction, 962. Large grocers' trade done in co-operative stores where liquors are not sold, 974. Many hawkers' carts go out from Hawick, but do legitimate trade; if not, law stringent enough to check them, 980-1. As law stands the ratepayers have matter much in their own hands, 984. Number drunk and incapable last 3 years, 990. Don't approve of quart minimum, 991. Grocers should close at 8 p.m., 991. Could not prevent them selling drink at hours when they could sell other commodities, 994.

F.**FAIRBAIRN, A., LICENSED GROCER, GREENOCK:**

Concur with Mr Ivie Scott. Was 36 years in business, have now retired from it, and am commission-merchant, 5442.

FAIRLESS, WILLIAM DEAN, M.D., PROPRIETOR AND RESIDENT PHYSICIAN OF BOTHWELL ASYLUM:

Presents protest signed by 74 medical men in Glasgow. Protest states strong persuasion of those signing that facilities afforded by system of grocers' licences have injurious tendency. Trade removed from police supervision, affords special facilities for violation of certificate, and female drinking, and interferes with treatment of habitual drinkers. Protest against continuance of system on grounds moral and medical. Separation of trades a practical step to mitigate evils of intemperance, 5927. Two classes of signatures. 1st. General practitioners, chiefly among middle and working classes. 2d. Professors and teachers of medical science, physicians and surgeons of hospitals and lunatic asylums, police surgeons and medical officers of health. Opinions of so large a body of medical men worthy of being carefully weighed. Almost every practitioner can give abundance of illustrations of these statements. Many leaders of the profession have come to the conclusion, that in health and disease the use of alcohol is often not only useless but positively injurious, 5927.

FALCONER, JOSEPH, BAKER, ABERDEEN:

Am in the habit of passing grocer's shop every morning about 7.30 or 8 o'clock, and see men and women coming out of it. The sale of drink is a continual thing from morning to night, to go in and have a glass of whisky or pint of porter, and policemen do the same. Many other shops do the same thing. In Gallowgate you will get drink in all the shops. See half a dozen people go every Saturday night to shop referred to at 11 and 12 o'clock, and come out with bottles, 7965-6. Have seen parties watch outside that shop and then go in and have a glass. Have got it myself there. Don't believe there are 20 grocers' shops where you will not get drink, 7967. When drinking, drank more in grocer's than in public-house. Never had least difficulty in getting it, 7868-9. This went on for perhaps 10 years. Stopped it nine months ago. When I have to go to grocer's shop see same things yet, 7971-2.

FISHER, ROBERT, LICENSED GROCER, DUNFERMLINE:

Secretary of Dunfermline and district licensed grocers' association, 1940. District includes radius of six miles, 1948. Dunfermline has 18,000 inhabitants, 54 licensed grocers, 31 publichouses, and 9 hotels, 1943-4. 56 grocers connected with association, 43 in the town, and 13 in country. All support my statements, 1045-47. Trade almost unanimous that hours should be shortened. Hours should be from 8 A.M. to 8 P.M., 1949-52. Publichouses should also be restricted, 1954. Some grocers less scrupulous than others about keeping the law, 1959. Would not personally object to pint limit, 1964. Gill limit would suit poorer localities better, 1965. Would leave matter of serving apprenticeship to the magistrates, 1967. There should be a rental test, 1970. Have no objection to police supervision, 1976.

FORBES, JOHN, LICENSED GROCER, GLASGOW:

Concur with Mr Ogilvy, 5508. If trades separated, would not know which to stand by. It would extinguish most of us. It takes both to be profitable to licensed grocer, 5509-5512.

FORD, JAMES, LICENSED GROCER, LEITH:

Rent £17, and £2 for storage, 3463. Convenience to public to get groceries and spirits at same shop. Having no cask untapped in shop would be very inconvenient for me, 3464. Increased police supervision would make no difference. Do not object to sealed bottles or to gill minimum. Grocers should close at 8 P.M., 3467. Uniform fixed rental would not work, 3470. Would leave it to local authority to fix, 3471. Object to communication between house and shop, 3476. Have back door to my shop for taking in heavy goods only, 3477. Do not approve of separating sale of spirits from that of beer and wine, 3479. Never been asked to make fictitious entries. 2480. Parties bred to trade should have preference in receiving licence, 3494.

FORD, JAMES, OF WILLIAM FORD & SONS, LEITH:

Wholesale spirit, wine, tea, and sugar merchants, 8765. Sell about 200,000 gallons Scotch spirits in a year, 8786-88. Sell very little foreign spirit, 8789. If fine it is sometimes blended. One quality is used for methylated spirits, another quality for British wine making, and another by some for whisky. It is not fine quality, but not really unwholesome. Other qualities are so pure that they are fit for making essences. That as a rule we take when we do take it, 8790. It is made from potatoes and from rye grain, 8791. American whisky I have seen is very coarse, and must be rectified, 8792. Am partner in a rectifying firm, 8793. Am not aware that the foreign spirit is ready for consumption sooner than Scotch. It does not improve by keeping in the way of being more wholesome, but it becomes more palatable, 8798. When used for mixing, it is when it first comes over, 8800. We have very few orders for new Scotch spirits except under bond, 8802. We mix a certain quantity of new with old. The dealers do much the same with it as shippers do with brandy. No one distiller's whisky can be drunk with pleasure by the general public, 8805. It requires to be blended, according to the dealer's opinion, 8806. Brandies are blended abroad, but we blend here if we choose, 8808. Never knew or heard of brandy being diluted and altered before sale, 8811. It comes over here so low that it would be unnecessary to dilute it, 8813. Perhaps three-fourths of the grain whisky passes out of bond before six months old, 8814. Some goes into consumption within a week, 8816-17. Don't agree with those who say that new grain spirit is not so wholesome as old, 8819. Would not say the same of malt whisky. It requires age to put it in same position as new grain, 8820-22. Malt and grain blended are more palatable, 8823. Don't believe there is

FORD, J.—cont.

any spirit that goes to a man's head at once so as to make him rapidly drunk, 8826. There is no such thing as adulteration by putting anything into whisky, 8827. 'Breaking' brandy does not introduce injurious elements. It is done for profit, 8830-33. Mixing does not make a deleterious whisky, 8836. When speaking of grain whisky, I mean that made in the Coffey still. Pot-still whisky has fusel oil in it, 8838. We sell malt whisky under six months old. There is fusel oil in it; and seldom drunk pure, 8839-41. No difference in quality we sell to publican and grocer, 8842. If grocers, as they say, sell better whisky, it must be because publican reduces his for profit, 8843. Have had whisky aged by Phibbs' patent. Consider it of no use commercially, and not more palatable, 8844-49. Don't believe keeping whisky in bond makes any difference as far as rendering it more wholesome. Have had great experience in tasting whiskies, and find no injurious effects from new whisky, 8851. I refer to grain whisky; malt is better of being kept, 8853. Draw distinction between the two, 8853. There is more fusel oil in beer than whisky. It is more a prejudice against it than any real harm, 8854. It is not deleterious in small quantities, 8854. Many grocers bond their whisky and many do not. Many have not capital to do it, 8855. Grocers may keep better article than publican. In many cases their customers are of a class who are able to pay for a better article, 8856.

FORSYTH, GEORGE, UNLICENSED GROCER, EDINBURGH:

Concurred generally with Mr Gibson, 3021. Profits on liquor 20 to 50 per cent., 3022. Evasions common among lower class of grocers, 3026. In small towns some people make their living from selling spirits, 3048. If trades were separated I think half would choose licence, half grocery, 3040.

FOX, JAMES, GROCER AND WINE AND SPIRIT MERCHANT, ARBROATH:

Submits memorial signed by 33 licensed grocers, Arbroath, and 2 others, setting forth that the subscribers think the present system of licensing grocers works well, and that mature consideration should precede any alteration. That separation of the trades would be unfair to the licensed grocers, many of them having built and fitted up their premises, and consequently would suffer great loss. Separation would not be beneficial to the public; they prefer to purchase from grocer rather than from publican. Deny that licensed grocers undersell their groceries. Quart minimum would be of no benefit. Great proportion of liquor sold in Arbroath is in small quantities, and not in bottles. Very little consumption on grocers' premises. That supplying servants and travellers with drink is unknown, and irregularities are only known in isolated cases. Restriction of rental is unnecessary. Change of hours is uncalled for so long as publicans remain as they are. Fictitious entries never heard of in Arbroath. No complaints from working-men as to this. Legislation on grocers' licences is uncalled for, 6879. 49 licensed grocers Arbroath; some refused to sign, and want of time prevented us getting the others, 6881-2. There may be places where a little is consumed on the premises, 6883. A little alteration on the hours would be an improvement. Should not open before 8, and should close at 8 or 9, Saturdays included, 6885-90. In Arbroath 3 or 4 grocers and several co-operative stores unlicensed, 6891-2. Magistrates are trying to reduce number of licences, 6897. 50 licences to population of 20,000, 6898. In some cases it is a hardship to refuse grocers the licence, 6899. Would be quite agreeable if it were law not to sell spirits under two years old. Would be very great improvement, 6903-4. Would be improvement to have dwelling house apart from the shop, 6906.

FRASER, ALEXANDER, LICENSED GROCER, GLASGOW. See MR OGILVIE.**FRASER, ROBERT, DISTILLER, BRACKLA, INVERNESS-SHIRE:**

Malt whisky is not palatable till three months old. Fusel oil will remain whatever the age of the spirit may be. It can only be separated in the manufacture by more careful distillation, 8609-10. Some samples are therefore more charged with it than others, 8611. The method adopted in the old still called the 'pot,' not much used now, produced a better quality of spirit, 8611-12. When whisky falls into the hands of retailers, it is impossible to know what they may make of it, 8612. When mixed with foreign spirit whisky is quite an altered article, 8613. The greater the age the safer and better the spirit, 8614. If rudely distilled it would require a longer period to refine, 8615. Fancy raw grain whisky is more heavily

FRASER, R.—*cont.*

charged with fusel oil than malt whisky. With raw grain you get all the imperfections and impurities of the grain into the spirit, 8616. These injurious matters evaporate when in the cask, 8617. We sell to large houses in London, Glasgow, and Edinburgh, and to a small extent a smaller class of people in the country. The latter take it for retail purposes at three or four months old. Seldom send below that age to retail trade. Relaxation of excise rules has been great benefit in the way of allowing the maturing of spirits, 8618. A retail dealer anxious for large profit very often buys at the lowest possible price, and much newer than parties who pay dearer in proportion, 8619-20. Very little whisky supplied under three months, 8621. Wholesale dealers retain in bond for some time, 8621. The large proportion of retail trade supplied by dealers, and not by distillers. Don't know what the dealers may do with the whisky in way of 'cooking,' 8624. Often find dealers selling my whisky for less than they paid me. Presumption is adulteration, 8626. Great deal of German spirit has been brought into use by wholesale dealers for mixing purposes. It is very injurious, 8629. It would impose a heavy tax on many distillers if they were not allowed to send out whisky for one or two years after its manufacture. It would entail large warehouse accommodation, 8630. Bonded stores at my distillery are my own property, 8631. Once out of bond, no way of preventing spirits getting into consumption, 8632. Never was aware of any poisonous element in new whisky. It may be injured by the introduction of poisonous articles after it leaves the distillery, 8633. Do not think being compelled to keep spirits for six months would be of disadvantage to the distiller, 8635. Whisky is perfectly wholesome before the age of two years, 8636. Greater part of injury done is by adulteration on the part of dealers, such as with German spirits, 8636-38. German spirits are distilled and discharged at a high temperature, and cannot fail to be injurious, 8639. There are sufficient checks to prevent a distiller adulterating, 8640. Temperature at which it is distilled affects the quality. The greater the heat you drive the fusel oil through the better qualities, 8642.

FULTON, MRS, GLASGOW:

Know of two cases of ladies who said they had acquired drinking habits at grocers'. They would not have entered a public-house, 4543. In one case it was got in sealed bottles, in the other in small quantities, and neither of their husbands aware of it, 4544.

G.

G. H., CUTTER, DUNDEE:

About two years ago got an account knew nothing of from a licensed grocer in Dundee. Got detailed account, and asked what 'sundries' meant. He said, 'if you pay the rest I will let you off with the sundries. After that paid him off all but 6s., and he was to send detailed account of what I had paid. Have never heard of it since, 6621. About four years ago a man sent in a large account. Knew there was a lot of whisky, and questioned him. Delayed paying him, and then he said he would take off one-half if I paid the rest, which I did. In another case did not see the book, but know it was done, 6622. Could bring up many equally bad cases, 6623. It was one shop where they dropped the account, and another where they took off one half, 6624.

GALL, GEORGE, SCHOOL BOARD OFFICER, ABERDEEN:

Formerly constable in burgh police for nine years. Have done police duty all over the burgh. Have best possible opportunity of seeing how licensed grocers conduct business. Of 267 licensed grocers only about one-tenth part conduct their trade in conformity with law. Great majority of them are publichouses with grocers' licences, as drink is sold daily for consumption on the premises. One-fourth of licensed grocers keep very small stock of groceries. Number of them open about 6 A.M., and even earlier, to sell drink, and great number keep open after 11 P.M. for same purpose. Quite common for grocers to sell spirits in open bottles to children as messengers. Have it from licensed grocers themselves that they frequently sell drink to married women, and make fictitious entries. Believe that not more than half the licensed grocers in Aberdeen were bred to trade. Have often known them to live in back-room to shop, and selling by side-door on Sundays. The Act is far from being strictly carried out in Aberdeen. Licensed grocers in county are generally class of men of good business habits and standing. Great majority sell general goods, and have served apprenticeship to trade. Law is much better observed

GALL, D.—*cont.*

in county. Police organisation is much superior. Think separation of trades would be great improvement, 7940. Would not be afraid of driving people to publichouse, 7941. Would diminish drinking. Parties who will have drink will go to publichouse, while others would keep away from it, 7949. Some people take drink because they get it at grocers, who would not take it if they had to go to publichouses for it, 7950. Did not report things I saw because got no encouragement from police authorities; rather the reverse. Sometimes parties were brought up, sometimes not, 7942-6. Left force in May 1873, and have been School Board officer since then, 7947-8.

GIBSON, THOMAS, MESSRS R. & T. GIBSON, UNLICENSED GROCER, EDINBURGH:

Hardships of unlicensed grocers, 3007. Groceries sale subordinate to spirit, 3011. Grocer starting business can't get on without licence, 3013. If trades were separated, new class of spirit dealer would pay, 3014. Would be great hardship to separate trades suddenly, 3036. Hawking common in county of Peebles, 3049.

GILL, JAMES; LICENSED GROCER, EDINBURGH:

Rent £45, 3463. It is not the case that grocers sell in open vessels, 3491. Carters require to stop at grocer's to deliver goods, and so may lead people to believe they go in for drink, 3494.

GILLESPIE, JOHN, W.S., CLERK OF PEACE, COUNTY OF EDINBURGH:

Lists of licences in county, 2124. Decrease of hotels and publichouses; increase of grocers, 2159. Grocer's licence given when publichouse refused, 2160. Small Debt Court cases of disputed accounts common, 2164. Act 6 Geo. IV., c. 18. Justices' Small Debt Act enables us to deal with them, 2165. Entry of spirits as 'goods' common, 2170. Justices always read 'goods' as 'spirits,' and strike off, 2170. Money lenders claiming in Small Debt Court, 2170. This class of case increasing, disputed accounts decreasing, 2173. Money lenders greater evil to working man, 2173. Increase in some parts of county, owing to works being started, 2181. Justices differ as to effects of grocers' licences, 2182. Have reason to believe unlicensed grocers sell spirits, 2191.

GOODFELLOW, JAMES; CITY MISSIONARY, EDINBURGH:

Speak almost from personal knowledge of grocers selling to be consumed on premises, 3063. Told of this by people in district, 3064. Female drinking increasing, 3064. They won't go to publichouse, 3066.

GRAHAM, Ex-BAILIE GEORGE T., FLAX SPINNER AND JUTE MANUFACTURER, DUNDEE:

Agree very much with Provost Robertson. 195 licensed grocers in Dundee, 15 of £10 rental, 96 of £15, and 26 of £20. Would suggest £30 minimum, 6938. Would insist on large premises, 6941-43. Employ a large number of hands, 6944. Better liquor, believe you get, at respectable grocer's than at publican's. No person should be allowed to sell liquor unless it is 2 years old, 6945-47. If not mixed, liquor might be as good in the one place as in the other. Public analyst, if he did his duty, might prevent adulteration, but it would require more than one in a place like Dundee. The quality of the spirit should be thoroughly looked after, 6948-55. Grocers' hours should be from 8 to 8, and 9 on Saturdays, and would like pint minimum sealed, 6957. Have great objection to selling in small quantities and in open vessels, 6958-59. Don't believe that through getting credit at grocer's people drink more than if they got it at publichouse. When a man wants money he can go to the pawnshop, 6963-64.

GRANT, JAMES, SUPERINTENDENT OF POLICE, LEITH:

Population of Leith, 52,000; 309 licensed houses, of which 166 are grocers, 30 or 40 of whom are wholesale dealers, 2890-92. The number of licensed houses has increased by about 30 in last 10 years, 2903. Average convictions last 10 years have been, 1 against hotels, 5½ against publichouses, 5½ against grocers, and 14 against shebeen-keepers, 2905. Have no doubt some grocers of the lower class evade the law, 2907. Magistrates try to keep down the number of houses, 2910. There are good many unlicensed grocers in Leith, 2913. Have known of sale in open vessels, 2919. From 8th September last to present date 175 males and 67 females apprehended for drunkenness; only 3 men and 6 women admitted having got the drink in or from grocers' shops, 2922. If grocers prohibited selling, new class of licence must be introduced, 2929. More police supervision desirable, 2932. Transfers should not be granted to creditors, 2939.

H.

HAIG, WM. JAMES, OF DOLLARFIELD :

Am a licensing justice of peace, Clackmannanshire, 2068. More attention should be paid to quality of spirit, 2070. Lower class houses sell harsh and coarse spirit, 2072. Compulsory uniformity of quality would diminish small traders, 2078. Deposit should be made equal to rental, 2080. To be forfeited with licence on conviction, 2080. Would fix minimum deposit at £25, 2083. Excise could ensure uniform quality, 2089.

HAIG, WM. HENRY, GENERAL SECRETARY OF THE DISTILLERS' COMPANY (LIMITED) :

Speak as an individual, and opinions may not be those of other members of the Company, 8667. We have six distilleries, 8668. Company formed last May. Distil at rate of seven to eight million gallons a year, 8670. Before May we were individual firms, 8671. Chief customers are wholesale dealers, 8673. Always sell in wholesale quantities. Smallest quantities from 500 to 1000 gallons, principally new spirits, which we keep in our bonded stores in some cases, 8674-78. Spirits are taken out at all ages, the great majority under three years old. Often sent away immediately after being warehoused. In some cases not a week old, but then they are generally removed to another bond, 8679-81. A considerable portion has duty paid at the distillery store, and does not go into bond at all. This goes into consumption at once, 8683-84. At our distillery at Kirkliston there is over £40,000 worth of whisky in the bonded store, on which duty has not yet been paid, 8687-88. We have not bonded stores that could contain a year's manufacture, 8590. If it was prohibited to sell whisky before one, two, or three years' old, a large increase of capital would be required by those who kept it under bond. It would improve the quality of the whisky very much, 8693. The amount of spirits in bond is annually increasing, 8694. We are building warehouses every month, 8695. Whisky is on the average kept fully six months, 8696. If twelve months were given to the trade before any compulsory law as to keeping, there would be no difficulty, 8697. In new whisky the presence of deleterious elements is inevitable, 8698. We extract the fusel oil at rate of about 80 gallons from 24,000 gallons of proof spirit, 8699-8702. Produce bottle of it, and also of grain spirit after extraction of fusel oil, 8698-8706. Strength of the spirit is 65 or 66 over proof. It is reduced to 11 over proof for the market. The dealers flavour it, 8707-9. It is a marketable article if put into sherry casks, 8710. It is at present quite flavourless, and perfectly wholesome, 8712. The fusel oil is left chiefly in the malt spirit. It is the flavouring matter in malt spirit, 8712. There is more fusel oil in malt than in raw grain whisky as it goes to the market, 8714. Silent spirit, as produced, is as free from fusel oil as we can make it. It is impossible to free it entirely, 8717-18. We distil malt spirit also. We don't extract the oil from it, but run it as pure as we can to obtain a flavour, 8719-21. Don't think it is ever free from it, so long as it retains any flavour. It becomes more wholesome by keeping, 8723. New malt whisky is unwholesome, and should not be drunk before it is twelve months old, 8724-25. Have never seen Phibb's patent for ageing spirits, and can't say anything about it, 8727-31. Spirit made from bad corn never so good as from good corn. Never made from potatoes and such articles in this country. German spirits are. We hold them to be of inferior quality, 8732-34. Potato spirit does not contain more fusel oil than grain spirit. It is very pure, but does not mature so well, 8735. It gets worse by keeping, so prevention of sale of spirits till they had been a year in bond might destroy the sale of German spirits, 8737-39. In the Coffey still, the oil is extracted half way, 8741. The fusel oil is condensed before the spirit condenses, 8744. There is some fusel oil in every spirit that goes to market. It is a generic term, and includes all essential oils, chemical oils of different kinds, 8748-51. When spirit is kept in cask, fusel oil gets absorbed by wood, 8752. It purifies with age; the more access to the atmosphere the more readily it escapes, but, of course, with loss in quantity, 8755-56. The loss allowed by excise ranges from 1 per cent. under one month to 18 per cent. under seven years, 8758. Supposing whisky to be kept for two years, excise allow loss of 8 per cent., 8760. There is a corresponding increase in value, 8762. A man with capital would have a pull if sale was restricted, 8764. It would operate hardly on the small man, 8765. The silent spirit is sent over to Ireland. They mix it with their highly flavoured pot still spirits. It is a mistake to say that deleterious spirits is sent from Scotland to Ireland, 8766-70. A large quantity of German spirit comes to Scotland. Don't

HAIG, W. H.—cont.

know to what extent it is used in mixing, 8771. Know it is largely used, because we are often referred by customers to the fact that the price of it is so and so, 8772. We often hear from customers of their treating their whisky with German spirit, 8774. They do not mix our spirit with German, but substitute German in place of it, 8775. Our spirit and the German are in competition. I hold theirs to be more unwholesome, 8778-79. Silent spirit is 1s. 11d. per proof gallon. Duty 10s. Duty on foreign spirit 10s. 5d., 8781-83. The minimum strength of whisky sold by publicans and grocers should be defined by law. If a standard strength, less chance of deleterious ingredients being mixed with it. They may give apparent strength or nip, but the hydrometer will show whether it is alcoholic strength or not, 8784.

HAMILTON, REV. MR. LANGSIDE, GLASGOW :

My district is not a mining one. There are only two licensed grocers in it and 4 publichouses to about 1000 persons, 5656. So far as I know of licensed grocers, their trade is quite legitimate, 5658. Very little sale in small quantities in my district, nor is there much demand from publichouses, 5658. Believe grocers' shops in district to be well conducted, 5660. Have not heard of women being induced to drink by sale of spirits in provision shops, 5664.

HARPER, REV. MR. ESTABLISHED CHURCH, WISHAW :

Have formed decided opinion in favour of present system, 5635-37. Have heard of no abuse, and think it better than that people should go to publichouse, 5638. It affords respectable opportunity to people to get spirits when they require them, 5639-40. Would be quite satisfied with a class of house to sell spirits only not to be consumed on premises, 5642. There might be temptations to drink in such houses, 5643. Question if closed or open vessels not of any importance, 5647. Sale in my district seems to be in small bottles or flasks, 5649. Sale in open vessels exceptional, 5650. Increase or diminution of drinking is determined by rise or fall of wages, 5653. 24 licences, 6 of which are grocers' in my parish, rates 1 to 400 persons, 5653. Fines for offences connected with drunkenness were larger amount during period of high wages, 5653. The maximum fine should be raised very much, 5655. Fines have been made less in these unpropitious times, 5665. This is done out of consideration to man's family, 5666. We are much annoyed by Sabbath drinking by people who come from neighbourhood, 5667. This is never done in grocers' shops, 5668. The large amount of drunkenness which I deplore, I am certain takes place in publichouses, 5669.

HARVEY, ROBERT, UNLICENSED GROCER, COVE, DUM-BARTONSHIRE :

Had 4 or 5 years' experience in locality where no licensed grocer. Customers were tradesmen and labourers. No savings bank. These parties frequently deposited savings with me. After licensed grocer appeared, their savings disappeared. The men told me their savings were spent in drink. Practice of selling drink, and giving tumbler to drink it at door, of daily occurrence. Don't think public would suffer if trades were separated. Rarely that objection is made to me for not supplying liquor, 5937. 1 licensed grocer in Cove, and 1 in Kilcreggan. 3 unlicensed in Cove, and 1 in Kilcreggan, 5938-39. At Kilcreggan applications for licence are made almost annually, 5940.

HARVEY, SYLVESTER, STAMP CUTTER, DUNDEE :

Believe from experience that the worst system of licensing we have is the grocers' licence. Was brought up in a village, and know many who blame the grocers for learning them to drink. When paying their book it was common for them to be treated to a glass. This would be 25 years ago, 6745-8. Have had no difficulty in getting drink in grocers' shops in Dundee, as easily as in publichouses, and drank it in the shop, 6749-51. This was 7 years ago, and have done it often, 6752-5. On being once sent to respectable grocer, found him in another grocer's shop drinking with him and two travellers to a great extent, 6755. Question if things are changed now, 6757. Was once an office-bearer in Good Templar lodge, and think the liquor traffic should be abolished, 6758-60. Would decidedly do away with grocers' licence, as there are more evil effects from it than from the publicans', 6761-62. Grocers' shop causes more drunkenness among females than the publichouse, 6763.

HAY, WILLIAM, TOWN CLERK, DUNDEE :

Have been 8 years in present position. Was provost and magistrate for 4 years before that, 6908. Concur generally with Provost Robertson. Magistrates in Dun-

HAY, W.—cont.

dece have been very strict for some years past, and doing everything possible to reduce drunkenness, 6909. See no objection to grocers' licence. When a magistrate, great deal of drunkenness was due to unlicensed houses. Condition of town has been very much improved, 6911. Magistrates in Dundee have done their best to put trade on proper system more than in any other place. Do not see necessity for publichouses, 6912. It is there the difficulty is. Would allow half-pint or smaller quantity to be sold, 6913. Grocer's shop ought not to be like a dram-shop. He should not have drinking vessels about his counter. Would have bottles all corked, 6914-19. Would apply presumption of the law against shebeener to the licensed grocer, 6920-26. Licence gives great advantage to grocer, but magistrates cannot assimilate the whole of the grocers, 6928. A monopoly of the provision trade is therefore created. Only 2 convictions for breach last year. No reason to object to police supervision, 6929. Magistrates are very strict in regard to transfers. Selling illegally may still be amongst smaller grocers; but not among respectable grocers, 6930-31. There are great differences between businesses of grocers. Can say no more than Provost Robertson, 6932-4. Refusing certificate on 1 conviction has had good effect, 6935-37.

HELM, PAUL, SUPERVISOR OF EXCISE, LEITH:

There are about 160,000 gallons of Scotch made spirits at present in store in one warehouse in Leith. I have nothing to do with the customs. There are very few excise warehouses, only two in Leith, 9025-26. Table showing ages at which whisky was removed for year June 1876 to June 1877, 9027. 51.2 per cent. removed under one month, 9028. Last year 80,000 gallons of foreign spirits paid duty in excise bonds in Leith, 9029. All used for methylation purposes, 9030. Charge in Government stores is 1d. per week for 40 gallons, 9031. Foreign spirit has not, so far as the Excise are concerned, been mixed with British spirits in bond. In the customs they rack and blend. Cannot say whether spirits sent out by us go to grocer or publican. We make no distinction so as to tell, 9032.

(App. D., p. 496, No. 34.)

HENDERSON, JOHN, M.D., PROVOST OF LEITH:

Two years provost, 712. And member of licensing court, 713. 9 hotels, 142 publichouses, and 174 grocers and retail dealers in Leith, 714. Increase in last 5 years owing to increase of population, 717. Magistrates try to keep down houses as much as possible, 718. They personally inspect premises, 719. Don't allow back doors, 721. House and shop must be separate, 722. Some cases grocers' licence granted when publichouse refused, 724. Very few convictions from breaches by grocers in Leith, 728. Selling in small quantities has an injurious effect, 732. Drinking habits are acquired by grocers selling, 739. Would take away spirit licence, and give wine and ale only, 742. Or make a pint minimum and sealed bottle, 742-744. Would do away with small houses if possible, 748.

HENDERSON, JOHN, LICENSED GROCER, PENICUIK:

Good business in small quantities, about a third of whole, 1906. Sell in corked bottles, 1909. Never sell in open vessels, 1911. Children occasionally sent, 1914. Some of lowest class of women get spirits when husbands away, 1915. Never heard of false entries, 1916.

HENDERSON, JOHN, UNLICENSED GROCER, SAUCHIE-HALL STREET, GLASGOW:

Licensed grocers afford facilities to women to get drink, and prove the ruin of many. Always objected to apply on principle. Females often came to ask me for drink. They are suspicious generally of being known. Carry bag or basket in hand. Have known cases of injurious effects to women. System is unjust to unlicensed grocer. Customers go where they can get supplied with liquor as well as goods for convenience, 5929. Rents and taxes of premises largely increased through influence of such places. This is reason given by many for taking licence that they could not get on without it, 5930. There are 1296 unlicensed grocers in Glasgow, 5931. All grocer's should be put on same footing, 5934.

HENDERSON, DAVID, LICENSED GROCER, DUNDEE:

Am vice-president of the grocer's society, numbering 108 members. It represents licensed trade generally. Number of years ago complaints now made were well founded, but owing to the strictness of the magistrates grocers have become much more careful now of late years, 6966. Do not object to more police supervision, 6969-9. A better class of men than what were are now licensed grocers, 6970. Premises being inspected is a

HENDERSON, D.—cont.

step in the right direction, 6971-2. Cannot see how you can draw a line in regard to rental, 6973. Would all agree to have no back doors, 6975-76. It would be also difficult to know what quantity to restrict to. People just buy what they require. Would not think it an improvement to confine the grocers to any quantity, as people would have to go to the publichouse for it, 6977-86. Believe it is common for working men who are steady to take drams of spirits frequently, 6987. They will buy a little whisky on the Saturdays with their tea and sugar, but do not know what they do with it, 6989. Think the selling of liquor in corked bottles in any quantity, if not drunk on the premises, is a grocer's business, 6992. In my business fictitious entries are never made, 6992-3. We recommend that hours should be 8 to 8 and 9 on Saturdays, but that the publican should shut at the same time, 6993. Whatever the publichouses do, we would be content to have hours fixed at from 8 to 8 and a little later on Saturdays, 6997. There being so many in trade can't get all to agree as to hours, 7000. The notions about licensed grocers' profits are very much exaggerated, 7002. Have always considered sale of liquors in family trade was part and parcel of a grocer's business, 7006.

HENDRY, JOHN, INSPECTOR OF POLICE, FRASERBURGH:

Population of town and parish between 6000 and 7000. Six hotels, 4 publichouses, 13 licensed grocers, and 2 breweries, which have retail licences, 7667-8. Grocers' shops are of various sizes; some have large businesses and some have small, 7669-70. They are pretty well conducted. In about half have reason to believe that drinking on premises goes on pretty frequently, but find it very difficult to detect, 7671-6. Have had two convictions within last year against publicans. In great measure can't stop illegal drinking, 7677-8. Barricades generally obscure shop. In many cases watch is kept, 7680-1. Rent of houses where illegal drinking goes on, from £15 to £30. There is suspicion of large as well as small, 7682-3. People go to grocers' to make public believe they go for something else. They get drink cheaper there. Some publichouse-goers also go to grocers', 7684. Concur generally in what chief constable has written to Commission, 7689. All side or back doors should be shut up. If that were done and police had same power of entry as to publichouse, would have better chance of putting down illegal drinking, 7690-2. Grocers should have same hours as publicans. Some keep open after 11 o'clock, 7693-4. Separation of trades might be sufficient to insure observance of law. Don't think there would be evil results from this. Great number go to grocer's who would not go to publichouse, 7696-9. Have known instances of women learning to drink through grocer's shops, 7700. Population of Fraserburgh during herring season 14,000 to 16,000, 7701. Fishers patronise both publichouses and grocers' shops. Get credit at latter. Have seen great number of cases where spirits, &c., marked as 'aqua', 7703-5.

HERBERT, WM., WRITER, ROTHESAY, PROCURATOR-FISCAL OF COUNTY OF BUTE. See PROVOST ORKNEY.**HERON, JAMES, LICENSED GROCER, ROTHESAY:**

Have been in trade 27 years, licensed 17 years. Have very small working class trade. Hours 8 A.M. to 9 P.M. in summer and 8 P.M. in winter. Saturdays always 11 P.M. Have been asked to, but never did sell for consumption on premises. Never asked to make fictitious entries. Make no difference on price of groceries in consequence of having licence. Often sell small quantities to strangers in summer, always in bottles. My business is a convenience to such parties. My largest trade is in quart bottle, 5391-5395. Restriction to quart minimum would do me no harm, but would annihilate the greater part of the Rothesay trade, 5398. Never offered servant girl drink, but have given her sweets. Have only known of 2 convictions for breach of licence in Rothesay. It should be imperative to keep spirits at least a year in bond, 5399. The excise could control this. There are 19 licensed grocers in Rothesay, 5400.

HETHERTON, HENRY, CITY MISSIONARY, EDINBURGH:

Have personal knowledge of statement made by Rev. Mr Turner in memorial, 3052. Have known women given to tippling who got drink from grocers, 3053-4. Grocers have told me their chief profit was from spirit trade, 3086.

HIGGINS, WILLIAM, MASTER SHOEMAKER IN IRVINE:

Grocers' licences very numerous in Irvine, 4536. Don't think they lead to more drinking than would otherwise be, 4537. Convenience to people to get liquor in some

HIGGINS, W.—*cont.*

shop as groceries, 4540. Am in favour of grocers' licences; they sell better stuff than publicans, 4541.

HISLOP, JAMES, UNLICENSED GROCER, DUNDEE:

Have been for life in the grocery trade, 6515. Member of the Grocers' Benevolent Society, 6516. When on the committee that went round trade in regard to that society about 8 or 9 years ago, witnessed several violations in a few hours—drinking on the premises in 3 different shops, 6516–6521. Have never applied for a licence. Was apprenticed in a most respectable family grocery wine and spirit merchant in Roxburghshire, and from what I saw there decided to do without licence. Rest of apprentices going all wrong with drink, 6523. Sold in open vessels, 6524. This was about 30 years since. There ought to be separation of trades. Think it an injustice that one man should be allowed and another refused the licence, 6525. Am not a total abstainer, but would prefer to see liquor traffic in druggist's shop, 6526–7. Knew of case of unlicensed grocer who had to give up on account of health, and the laird would not transfer lease unless the premises were to be licensed, 6528–9. (App. D, p. 494, No. 26.)

HODGE, WM. D., BOILERMAKER, GREENOCK:

In 1861 have got drink before 6 in the morning at grocer's shop, which drank at counter, 4174. Became total abstainer in 1870, 4208. Consider the grocer's licence the worst kind of licence. Know a man with an intemperate wife, she gets drink at a licensed grocer, 4209. She would not go to public house. She is not so far down yet, 4213. The unlicensed grocers can always get a respectable living if they keep a good article, 4220. Believe drunkenness to be on the increase amongst female population of both lower and respectable class of working people, 4221.

HONEY, REV. DR., INCHTURE:

Have been minister of the parish of Inchtute for 40 years, 7123–24. Limitation of hours has had a beneficial effect, both in regard to the place and public generally, 7126–27. No grocers' licences in parish. Corroborate Lord Kinnaid's evidence. The alteration of the law as regards tolls has been of the greatest benefit. Suppression of publichouses has led to suppression of drunkenness. In district of 40 square miles only one licensed house—an inn, licensed for wine and ale only. The idea of the population of the country being much given to drunkenness, I think, is a mistake, 7128. To license a grocer in Inchtute to sell spirits would have a decidedly injurious effect, 7131. If illness in a house people would easily get it from their neighbours. Cases of emergency have always been met among my people, 7133–4. No inconvenience has arisen to my knowledge through there being no licensed grocer, 7135. Grocers in my parish have always had some other calling, head of the house usually being a tradesman, and the family looking after the groceries, 7138. Never heard parishioners complain, because there was no opportunity for getting spirits. Population chiefly agriculturists and tradesmen, such as masons, carpenters, and railway labourers, 7141–3. Population of parish, 600 or 700, and district alluded to 1600 or 1800, 7144–45. Spirits are not ordinary article of diet among my people, but still there is some drunkenness, 7147–8. Don't think there is any shebeening, 7151. Want of facilities for obtaining drink, I think, has greatly reduced drunkenness. Never were any grocers' licences in district, 7152.

HOOD, BAILIE OF CUPAR:

Concur with Provost Welch-Tennent. Our grocers among most respectable class of the community, 6482.

HOPKINS, JOSEPH, SENIOR BAILIE OF INVERURIE:

Statement by witness.—Been magistrate 13 years, and have regularly sat at licensing courts. Magistrates consider existing licences sufficient, and have refused to increase them. Population of burgh, 2593. Hand in statement of licence applications in burgh from 1867 to 1877. During that period 3 convictions of grocers for selling for consumption on premises. Sale in open vessels is not large, 8260. 15 licensed houses at present in burgh. No licence within parish outside burgh. Parish contains 3000 people, burgh included, 8261–2. Am an upholsterer, 8263. Detection difficult, 8264. Few parents send their children to grocers for drink, generally servants, 8266. Never heard of women being led to drink through grocers' shops, 8267. Consumer should be punished as well as seller. Punishment should be more severe. More whisky sold in bottles from publican than from grocer. Grocers close at 8 publicans at 11, 8268–9. Drinking is not decreasing. Think this is owing to increase of wages and shortening of working hours, 8270.

HOPKINS, J.—*cont.*

Would be improvement not to license small houses. Have acted on that. Refused great many licences. No more licences are required, 8271–75. It is not hardship to refuse a thing that is not required, 8276–7. A man who gets an advantage to his general business by having licence should pay considerable duty for it, 8278. Represent Provost, as he could not attend, 8279.

HOWAT, GEORGE, LICENSED GROCER, PERTH:

Concur with Mr Daniel Mackenzie, 7322. My trade is chiefly with the poor working classes, and would be great inconvenience for customers to buy large quantities of spirits. Would lead to increase of drunkenness, 7322. Customers generally send their own bottles, but I furnish them sometimes, 7324–7. Keep bottles and half bottles filled in shop, but have to use cask for quantities such as gills and 2 gills, 7328–32. Small bottles could be kept. Would put men about, and would have no effect in keeping grocers from selling for consumption on premises, as is alleged. Grocers have generally better quality of liquor than publicans, 7333–34.

HUNTER, GEORGE, LICENSED GROCER, EDINBURGH:

Rent £30 and £5 for storage, 3463. Concur generally with Mr Ford, 3494. Would be glad to shut at 8. Keep open at present till 9 to sell groceries, which is my principal trade. No objection to police entering at any time, 3494.

HUNTER, ROBERT, CHIEF CONSTABLE OF RENFREWSHIRE:

Statistics of county show 276 hotels and publichouses, and 70 grocers in 1876; ratio 1 to 225 of population. In 1862, 1 to 283 of population, 4617. The increase uniform over county except eastern part, 4618. The justices differ as to granting grocers' rather than publichouse licences, 4620. The feeling against system is stronger now than it was, 4621. The justices are more particular as to class and character of house, 4623. Any irregularities reported were against lower rented house, 4626–29. Police suspect irregularity though they cannot prove it. Don't think drinking goes on out of legal hours, 4634. 17 prosecutions in 15 years, 4636. Sale by grocers more confined to women. Men go to publichouse, 4638–9. Police should have as much power with grocer as with publichouse, 4642. Sale occasionally in open vessels, 4649. Grocers' carts selling liquor throughout the country scarcely known. We had one suspected and got conviction, 4652. It is taken out by them for lawful delivery, 4653. Am not aware that drinking system is on increase when compared with increase of population, 4665–56. Police complain of difficulty of entering grocers' shops, 4659. Even if police had full powers drink could readily be got in grocers' shops, 4664. It would be well to separate the trades and have independent men selling liquor, 4665. If rental were higher a higher class of people would be licensed, 4667. Would make fictitious entry breach of certificate, 4672–73. Believe it at present to be common practice, 4674.

I.

IRVINE, JAMES, JOURNEYMAN SHOEMAKER, ARBROATH:

Think things are as well as they are, and that it would be better to let them remain so, 7045. Where law is broken more attention on the part of the police would find out the few who break the law, 7047. Within last 12 years there has been a great improvement. Law is less frequently broken now in Arbroath. Magistrates have been strict, and the abuses of the trade are gradually diminishing, 7048. Working classes want small quantities of liquor in their houses, 7049. Absurd to advocate pint or half pint minimum in sealed bottles. Working men seldom wish so much. Sealed bottles would add to expense, 7050–53. Never saw cup used for sending for spirits. Would not object to bottles, but to sealing them, 7054–6. Would not be the same facility for drinking in shop if sealed bottles. If liquor was not kept in bulk and only sealed bottles, it would not be so easy to break the law, 7057–9. Present law sufficient if rigidly enforced. Was member of Arbroath Town Council from 1869 to 1876, and therefore came much in contact with my fellow working men, and their feeling is decidedly against restrictive measures, 7060. See evils in Arbroath from the use of spirits either in or out of the family, but would be more if liquor had to be bought at the publichouse, 7061–2. Have heard of mischievous cases from getting drink on credit, but never knew any, 7063. It is unusual for working men to get drink on credit; half pint minimum is quite unsuited to people whose incomes do not exceed 25s. or 30s. a week, 7065. Have given my children small

IRVINE, J.—*cont.*

drop of spirits as medicine without consulting doctor, and on mentioning it afterwards, he said, 'Oh, that's very well,' 7066-8. Publichouse whisky is not so good as grocer's whisky, suppose because it is sold so new. Would be better if no unwholesome whisky were sold, 7069-71. Would not like to send any of my family to publichouse. They might hear something objectionable. No chance of that at grocers'. If publichouses were like those in England some objections would be obviated, 7072-5. Think the sentiment of working classes that things are pretty well as they are, 7076.

J.

JACKSON, ALEXANDER, LICENSED GROCER, GLASGOW.
See MR OGILVY.

JAMIESON, WILLIAM, LABOURER, DUNDEE:

Sent pass-book to Commission, which shows a large proportion of drink, got on credit by my wife and without my knowledge, 6686-92. She would not have had the money to go to a publichouse, 6693.

JENKINS, JOSEPH, CHIEF CONSTABLE OF DUMBERTON-SHIRE:

18 years chief constable, 4312. In 1876, 130 licensed houses, 27 of which grocers', 4313. Population nearly 50,000, 4314. Magistrates desirous of keeping down number of licensed houses, 4315. Publichouses have been considerably reduced, 4317. Grocers since 1863 have increased by 3, 4318. Grocers' shops not very well conducted so far as consuming upon premises is concerned, 4322. Since 1863, 16 convictions, 4323. As a rule licence is forfeited on breach of certificate; 11 convictions were for consuming on premises, 5 for selling after hours, 4328. I think the system might be improved by restricting to quart minimum and sealed bottle, 4329. It gives at present opportunities to workmen's wives to get spirits and have them entered as goods, 4330. Believe there is much evasion that is not detected, 4335. Would not give constable power to inspect grocer's premises, but would a sergeant of police or inspector. Hours should be 8 a.m., and not later than 10 p.m., 4338. Offences connected with drunkenness have of late been increasing, 4341. It is common practice among working people to buy liquor on Saturday for use on Sunday, 4343. If the law were strengthened the system could be improved, 4348. A quart bottle minimum would prevent consumption on premises, 4350. Four grocers from Helensburgh send out carts with groceries, 4354. With the exception of 1 case in 1863, have had only one case of hawking spirits; have had several from Paisley, but have not got conviction, 4355. Vans come from Paisley, Renfrew, and Glasgow to the county, 4357.

JOHNSTON, ROBERT, UNLICENSED GROCER, EDINBURGH:

Concur generally with Mr Gibson. Have had personal experience of hardship, 3035. Ready money business.

JOHNSON, REV. JAMES A., SPRINGBURN:

Put in returns to queries sent to ministers. Abstract of Returns.—501 returns received out of 2000 schedules sent. 114 of the 501 returns give no definite reply. 64 saying they have no licensed grocer in parish, others plead insufficient knowledge. Some of the 64 express themselves as fortunate in having no grocers in parish. In addition to the 114, 31 have sent letters assigning various reasons for not returning schedules, but most express dissatisfaction with system. These 31 are not included in returns now put in. Of the 356 who have answered, 284 in answer to Query 1 that the present system is bad and should not be continued. Query 2, 182 state that law is more or less extensively violated. Query 3, 127 give opinion that in many cases sale of groceries mere pretext for sale of spirits, to which sale their profit is mainly due. Query 4, 252 are in favour of minimum of quart or pint corked and sealed. Query 5, 184 for shortening hours of sale. Query 6, 153 of opinion that tipping among women and young persons is on increase; to no small extent this is due to grocers' licences. Query 7, 207 report the general and growing opinion in Scotland that system of selling alcoholic drinks in shops where articles of domestic consumption are sold is objectionable. Many who do not pronounce in favour of short hours and minimum quantities think such restrictions worthless as remedies. About a dozen only declare in favour of grocers' licences. Several take notice of evils of grocers' vans. Several assign grounds of opposition to system. Special facilities for female

JOHNSTON, REV. J.—*cont.*

drinking. Temptation afforded to wives, domestic servants, young people, 7. Fosters delusion that alcoholic drinks are food. Gives unfair advantage over unlicensed grocer. Names taken from almanack, include ministers of all denominations in different districts, 5901-2. Not more than 100 returns from temperance ministers. Returns fair representation of clerical feeling in Scotland. Selected to present memorial on account of being cited as witness. Prepared short statement, 5902. Statement.—Grocers' licence objectionable—(1.) Because it tends to degrade publichouse by drawing away best customers, and subjecting publican to severe competition. (2.) It subjects unlicensed grocer to unfair competition. (3.) It greatly promotes drinking, especially among females. They are supplied at grocers', and sometimes fictitious entries made. (4.) It has led to evasions of the law, by selling in vans and consuming on premises. It is difficult to detect and punish. (5.) Licence can scarcely be made safe. Quart bottle minimum has appearance of gross class legislation, and would be hard on poor. It has done great mischief in England. Evil would be aggravated by pint bottles, 5911. Would suggest (1) to abolish present licence by granting no new one; (2) to allow no real transfer; (3) to continue discretionary power of licensing court to refuse a renewal; (4) refuse all renewals five years after Act came into operation, 5911. Treating police sometimes takes place, 5914. No knowledge of grocers treating servant girls, 5915. Have had several complaints about fictitious entries made to me, 5916-18. Influence sometimes brought to bear on a licensing court, 5920-22. Licensed grocers in Glasgow as a rule are very respectable, 5923.

JOHNSTONE, WILLIAM, LICENSED GROCER, GOVAN:

Fifteen years in trade. Was bred to it. Shop is in Govan, £60 rent. Seldom asked to allow drinking on premises, 5141-44. Never knew people get drink and consume it immediately outside, 5146. My hours are from 8 a.m. to 8 p.m. Would be glad if these hours were statutory. 8 p.m. quite late enough for requirements of working classes, 5148-52. My shop in working class locality. Greater part of trade in gills and 2 gills, bottles corked, 5152-56. Restriction to small sized bottles would be no hardship, 5157-8. No objection to sealed bottles. Would be hardship not to have cask in shop, at least in back shop, 5161-65. Never keep bottles in shop filled. Customers like to see spirits measured out, 5167. Whisky I sell sometimes 9, sometimes 18 months in bond before I take it out. It is decidedly better of keeping, 5169-71. It is mostly malt whisky I sell, 5173. House is not connected with shop. This should be the rule. Have door in close for taking in goods, 5174 to 5179. Person should be bred to trade to get licence, 5181. Statements of women learning to drink from grocers are exaggerated, 5182. Good many boys and girls come for drink as messengers, 5188-90. If trades were separated would stand by grocery, 5196. The spirit trade is decidedly the most profitable, 5199. Unlicensed grocers in Govan have good trade so far as I know. Restricting grocers to pint or quart bottle, and permitting small quantities in publichouses, would not reduce drunkenness, 5206.

JOLLY, JOHN, SHERIFF OFFICER, TAYPORT:

Various cases have come under my notice in regard to the subject of inquiry, when collecting debts, charging decrees, serving summonses, and bringing up witnesses. Case of fictitious entry and conversation thereanent, 6597. Case went before Sheriff, who disallowed £2, as book was suspicious, but woman did not confess it was whisky for fear of her husband, 6598. This was 1875 or 1876. Many similar cases have happened. Believe licensed grocers sell their groceries cheaper on account of the profit on whisky, 6599. Publicans should not sell for consumption outside the premises, and whoever sells it otherwise none should be consumed on the premises, and not less than one quart in a sealed bottle. Have seen children sent often for glasses of whisky, 6600. Am entirely against drinking, 6603. Grocers and publicans should have only one door to their shops, 6604. Grocers take in any class of women, while publicans do not. Trades should be separated, 6606.

JONES, JOHN, CHIEF CONSTABLE OF DUMFRIES-SHIRE:

Statistics of county give in 1868 103 licensed houses, in 1877 97. 35 licensed grocers in 1877. Convictions of grocers, 1. Persons found drunk and incapable, 64. Persons apprehended, 991, 4676 to 4684. Magistrates have been refusing new licences as far as possible. Population of county has decreased, 4685. Getting at offences by grocers is almost impossible, 4686. Am certain there is frequent irregularity amongst the lower class of dealers,

JONES, J.—*cont.*

4687. Many of them derive greater part of profits from sale of liquor, 4689. Great irregularities during prohibited hours, 4690. Would restrict to sealed quart bottle as minimum, 4691. Rental should be increased, 4692. Many years ago justices in Dumfriesshire had a committee who fixed number of houses necessary. This does not now exist, but the numbers have been reduced, 4694. Would make it a breach for grocers to supply liquor to be drunk just off the premises, 4697. Practice of doctors granting lines to obtain spirits at illegal hours is unsatisfactory, 4700. It is liable to abuse, 4704. Would recommend separation of trades, except for higher class houses, 4706. System of spirit dealer only to sell liquor in bottles not to be consumed on premises works well in border county of England, where I have to go weekly, 4706 to 4709. See no necessity for combination of trades, though it may be difficult to recommend such a sweeping measure as separation, 4712. All informalities should be made breaches of certificate, 4715. Grocers should not be allowed to sell before 10 or 11 A.M., 4716. Don't know of any hawking by carts in Dumfriesshire, 4719. Police should have same power of entry as to public-houses, 4721. The smaller class of grocers have dwelling house attached to shop, 4723-4. This custom is prejudicial. Children under 14 should not be supplied even as messengers, 4725. Would raise the fine for drunk and incapables; this would ensure their prosecution; the expense of doing so is now much greater than the sum recoverable, 4726-29. Restriction to wine and beer licence only would lessen the evil, but doubt if it would pay the value of the licence. The municipal boundary should correspond with the police boundary. This is not the case in Dumfries. Burgh magistrates grant licences in burgh. County police have supervision, 4734-5. The Cameron Act of 1876 is not satisfactory in places like Dumfries. The smaller body should not revise the decision of the larger, 4735-42. The old system of quarter session appears to me to be the best licensing court, 4744.

K.

KEITH, WILLIAM, CHIEF CONSTABLE OF FORFAR-SHIRE:

12 grocers' licences in 1860, 23 in 1865, 33 in 1870, and 29 in 1875. Hotels and publichouses have decreased from 103 in 1860 to 69 in 1875, 6142. Magistrates are more ready to grant grocers' licences than publichouse, 6145. Have occasionally seen a man ask for a public-house licence and get a grocer's, 6146. Seven licensing districts in the county, 6147. Their action is not by any means uniform, in some almost no applications are refused, while in others, as in Dundee, great reductions are made, 6148. Last case where grocer's licence was given when a publichouse licence was refused, applicant was not a grocer. He had a spirit shop. Justices took that licence away and gave him a grocer's instead, 6150-52. Drinking has increased among females, who get their liquor mostly from grocers, 6153-55. Two convictions for breach against grocers last year, and two the year before, 6156. Have not the slightest doubt there is evasion, but it is difficult to detect, 6157. Don't see any good reason to separate the trades, unless you make one licence only, namely, a publichouse licence, 6161. If you are to have a class of licence to sell liquor only for consumption off the premises, it would be better to licence publichouses. It would be more easily supervised, 6162. It would be desirable to separate the trades, 6163. There might be condition in publichouse licence requiring separate entrance for sale for consumption off the premises, 6164. There are grocers in Forfarshire who send out carts. Don't think they hawk, 6165. Have been chief constable 14 years. Was 5 years Deputy C. C. in Ayrshire, and 4 years in East Lothian, 6168. Have formed my opinions from my experience in these places, 6169. Hours should be shortened. Licensing Court in Broughty Ferry district closed publichouses at 10 P.M. They had no control over grocers, who kept open till 11. After a short time the rule ceased to be in force, 6170. There was not experience to say whether it did good or not, 6171. Don't see why grocers should shut sooner than publichouses, but Justices might have same power with grocers as with publichouses of making them close earlier than 11 if thought desirable, 6173.

KENNEDY, HUGH, BAILIE OF PARTICK:

Partick has no licensing authority of its own, 3720. We have 36 publichouses and 20 licensed grocers, 3723. The number has increased, and represents 1 to 500 of the population. This is not more than is required, 3727.

KENNEDY, H.—*cont.*

General opinion of magistrates is that grocers' licences are necessary. Publichouses with separate entrance for home consumption would not meet the case of people who dislike the publicity of the publichouse, 3730-31. We should have the licensing power in our own hands, 3736. The justices who license don't know the requirements of the burgh so well, 3736. We have no charges against licensed grocers, 3741. Their establishments are very regularly conducted, 3742. Most of the best grocers are licensed, 3744. The existing law works well, 3747. Would restrict the hours from 8 A.M. to 8 P.M., and 10 on Saturday, 3748. The wants of the community don't require later hours, 3758. Would also close publichouses at 10, 3760. These hours would, I think, be acceptable to the grocers, 3763.

KENNEDY, PETER, LICENSED GROCER, AYR:

Concur generally with Mr McGillivray. Personally would prefer pint minimum, 5300-306. Can't see how keeping cask out of shop would suit, 5307. My shop is not in connection with house. There should be no connection, 5309-10. Have no objection to hours 8 A.M. to 8 P.M., even on Saturdays, 5312. To have any effect in reducing drunkenness, all licensed houses should close at same time, 5313-18. My rent is £29, 10s., rather a low rent for Ayr, 5315-16. No hawking that I am aware of. Grocers in Ayr don't send out carts, 5319-22.

KENNEDY, ROBERT, LICENSED GROCER, PARTICK:

Concur generally with Mr Trotter, 5457. Mine is a working class business; three-fourths of it consists of selling in small quantities, all in small bottles, which customers bring with them, 5458-62.

KEWANS, JAMES, LICENSED GROCER, FORFAR:

Appear for the licensed grocers of Forfar. Statement. —Consider present system good one, and that separation of the trades would be a mistake. It would not only be taking away a good from the community, but bringing in a great evil. It would be a great inconvenience to the public. Great advantage to buy spirits along with groceries, and the article is superior to that got at the publichouse. Grocers mature their spirits in bond. Dividing the trades would give public greater inducements for drinking, and although cannot say there is no harm resulting from present system, still of two evils choose the less. Many of our customers are women, and it would be their ruin to be compelled to go to a publichouse. It would be a great hardship to the grocers themselves. Reducing prices of groceries is never done. Fictitious entries have never been heard of in Forfar. Good deal of drink sold in small quantities. To restrict to a quart would not be advisable. It would tend to heavy drinking. Very little drink is now consumed on the premises in Forfar. Minimum rent of £20 would diminish number of houses. The hours are at present too long, and should be from 8 to 8, and 10 on Saturdays. This statement approved of and concurred in by 15 licensed grocers, Alexander Irons, ironmonger; George Webster, builder; James Farquharson, builder; and John Weir, M.A., minister, 6644. A few grocers in Forfar open before eight in the morning. I do not, 6645-46. The reason for keeping open later on Saturday is the large number of country people who can't get into town till about 11 o'clock, 6648. Since passing of Forbes M'Kenzie Act, people have never asked to drink in my shop, 6650. Never sell in open vessels, 6651. Have been in trade 39 years. Licensed grocer 36 years, 6652. Would have no objection if it were a law that no spirits should be sold under two years' old, and that there should be more police supervision, 6662-64. If trades were separated, would give it all up together, 6662.

KIDSTON, WILLIAM, OF FERNIEGAIR, HELENSBURGH:

Statement.—Acting justice of peace for Dumbartonshire and Lanarkshire. Taken interest in licensing question for many years. Office bearer of Glasgow Association for Defence and Improvement of Publichouses (Scotland) Acts. Represent their views in this statement. Took some trouble in framing 1862 Act. 1853 Act had become to a great extent a failure. It was efficacious for some years, but did not possess adequate powers to protect licensed from unlicensed trader. By 1862 Act ample powers given to suppress shebeening. Whole liquor question should be inquired into. No objection in principle to grocers' licences. They have been granted in excessive numbers. Remedy is to enact that grocers' licences shall never be more than one-sixth part of whole number of licensed houses. Would suggest as amendments on 1862 Act, (1) further limitation of

KIDSTON, W.—*cont.*

hours; (3) deprive magistrates of their discretionary powers of granting, and have a number fixed by statute. Restrictions—1. Grocers should be restricted to hours, 8 A.M. to 8 P.M. 2. All liquors should be sold in corked and sealed bottles. 3. No person should live on licensed premises, or be within premises during prohibited hours. 4. Grocers must not carry on pawnbroking business. 5. Must not have any interest in any publichouse in same burgh or county. 6. Must not sell to be drunk on doorstep, or within 100 yards of premises. 7. Must not supply child under 14, even as messenger. 8. No action shall be competent for price of liquors supplied to wives or females. Buyer drinking on premises should be punished as well as seller, 5846. Obliging licensed grocer to close at 8 would lessen the advantage he has over the unlicensed grocer, 5849. There should be no difficulty in detecting and punishing hawking under the present law. Steamboats should have magistrates' certificate. No doubt grocers did sell and still sell liquor to be drunk on premises. In 1862 went as deputation to Stirling and Falkirk. At Stirling told by police and magistrates grocers never allowed drinking on premises. First shop—a large shop—we went to and asked for spirits, were shown to back shop. Shopkeeper told us everyone did it there. Words 'give out' in certificate inserted in order to prevent necessity of proving a sale. Publichouses pay better than grocers' licences. Latter often applied for as stepping stones to former. Drunkenness and crime are in exact proportion to number of publichouses. Craving for drink inflamed by excessive temptation. Police should have same power to enter grocers' as publichouses. Transfer law should be altered. Duty should be on *ad valorem* scale. There should be maximum as well as minimum rent and size of publichouses, 5851. Don't apply this to grocers. Minimum sufficient for them. Only way to reduce numbers is by convictions, they are difficult to obtain. Three courses open to legislature—1. Allow free trade in liquors, with no police regulations or any restrictions. 2. Consider it lawful but dangerous trade, requiring strict limitation and control. 3. Suppress the trade altogether;—second course is adopted. Trafficking in publichouses should be stopped. Persons are licensed to keep (not to buy or sell) a publichouse, hotel, or grocer's shop. Grocers in Dumbarton send out vans professedly to supply orders; to a certain extent they hawked; when made aware it was against the law, they ceased. Don't think it has ceased in every county. Evils of confectioners' shops supplying girls can only be stopped by force of public opinion, if parents won't do so, 5852.

KING, PROVOST OF RUTHERGLEN :

Have been one year provost, was bailie one year, 5513. Am power loom cloth manufacturer, 5514. Fifty licensed houses in burgh. Fifteen are licensed grocers, rates, 1 grocer to 800 persons, 1 licensed house to 240 persons, 5515. Magistrates are reducing numbers both of grocers and publicans, 5518–20. There are large unlicensed grocers in Rutherglen. Possession of licence strengthens their ordinary business, 5523–24. Have always been against grocers' licences. They supply drink to people coming about their shops. This has an injurious tendency, 5526–27. There is common impression that union of the trades encourages drinking, 5529. Would wish grocers' licences abolished. If not would restrict to pint minimum in sealed bottle, and would give police same supervision as with publichouses, 5530. Would approve of licence for liquor only not to be consumed on premises, 5531. Don't see necessity for sale in small quantities. Such sale means tippling, 5532–33. The use of spirits by working men at their meals is anything but the rule, 5536. I employ about 60 men and 250 women, 5535–37. Would approve of minimum rent in Rutherglen of £30, 5542–43. Would approve of fixed rental and of a small duty on retailer for quantity sold. Such duty to go for municipal purposes, 5540, 5544–46.

KING, JOHN FALCONER, PUBLIC ANALYST, CITY OF EDINBURGH :

Have examined spirits to a limited extent only, 8916. Have not received many samples from authorities, 8917. Only examine what is sent to me. Not my duty to inspect, 8918. Generally they were sent by private individuals. Don't know where they were procured, 8921. Never found any adulteration worth talking about except water and a little caramel or sugar, 8922. Have found water sufficient to bring whisky to about 30 per cent. of alcohol, which should be about 48 or 49 of alcohol, 8923–8931. Never found any appreciable amount of fusel oil, 8932. Samples I got were wholesome spirits and were quite palatable, 8933–34. Smell of fusel oil is atrocious and easily detected in whisky. Can detect smell of one part to one thousand, 8935–37.

KING, J. F.—*cont.*

It is found most in newly made whisky, 8939. To determine exact amount of amylic alcohol mixed with alcohol is extremely difficult. When in quantity of one or two parts out of a thousand, smell shows its presence, 8940–42. Fusel oil is not pure amylic alcohol, but that is principal ingredient, the other being ethylic alcohol, 8942–43. Not acquainted with the Coffey still, 8949. Don't believe in people getting rapidly intoxicated upon one glass of whisky from its being adulterated. A person in weak health or fasting might be so affected, 8950–55. Amylic alcohol and ethylic alcohol are not easily convertible one into the other, 8958.

KINNAIRD, RIGHT HON. LORD, K.T., LORD, LIEUTENANT OF PERTHSHIRE :

Have taken interest in licensing question for a considerable time, 6300. In 1851 introduced a bill into the House of Lords, carried it through; it passed second reading in House of Commons, but owing to want of time it was abandoned. Introduced it the next year, but a dissolution caused it to be deferred. On third occasion I got Mr Forbes M'Kenzie to introduce it in House of Commons. My reason for taking up question was a representation from working men of Dundee. At that time grocers sold spirits over the counter, and working men complained that their wives and daughters got spirits, and that they found entries for tea, &c., part of which they were convinced meant spirits, 6301. The representation was from a numerous body of working men. We established coffee houses in Dundee managed by working men, six of which houses are now in operation, 6302. Before preparing my first bill, held large meeting of principal grocers in Edinburgh and Glasgow. They were quite anxious to support me in taking away the grocers' licence altogether. My first bill contained total abolition of grocers' licence, also the second bill, and the third bill until its last stage, when the total abolition clause was struck out on the ground that in small places, especially in the Highlands, the grocer's was the only shop where any spirits could be got, 6303. When the abolition of grocers' licences was proposed, it was contemplated to introduce a class of wine and spirit dealers, who should have a separate trade to themselves. Abolition of sale of liquor at toll bars has proved most beneficial in the country districts, 6304. At that time the proprietors in my district resolved not to grant any new licences, and to reduce number of existing ones. Result is that there are not more than three or four publichouses between Perth and Glencarse. This has taken 40 years to accomplish, 6305. Justices in different licensing districts in Perthshire take completely opposite views, 6306. It would be difficult to fix a number, circumstances change very much. Am not for abolition entirely. The more you tie justice's hands the better. In one district in Perthshire they grant everything, and even exceed their powers, 6308. Act of 1876 does not supply this want. It is objectionable, because it puts the matter completely into the power of the opinion of the committee of licensing justices, 6309. It would be desirable to reduce the number of grocers selling spirits or take their licence away altogether, but you must deal fairly with people who have embarked their capital in a business. Their number should be reduced, and sale confined to sealed bottles, and forfeit licence for a breach, 6310. Where the provisions of the 1853 Act have been properly carried out, things have improved, as was found by the Commission of 1860. So strong was the evidence in favour of the operation of the bill that we got more stringent clauses passed than were in the original bill. The hour of opening being altered from 6 A.M. to 8 was of considerable advantage, 6312. Grocers should certainly not be open when publichouses are closed, 6314. Should think most would be glad to close sooner, 6315. Am still of opinion that it would be better to separate the trades, as soon as it can be done without injustice to individuals, 6317–18. Should think larger grocers would agree to this as they did in 1851, when they were strongly in favour of the abolition clause, 6319–20. Publichouse must suffice for villages which could not support grocer and spirit dealer also, 6321–22. Can't see necessity of dram shops. Would not take away power of selling spirits from refreshment shops, 6324. Short of removal of grocer's licence, think sealed bottle system would be an improvement, 6325. There is not general use of spirits among agricultural population in Scotland. It is only on holidays, 6330. In the district where I reside no more sober class than the agricultural labourer, 6332. Would be very glad to have licensed houses closed on feasting days, 6334. There is not now the same objection to separation as there was in 1853. The Highlands are more opened up, 6335. Letter to Commissioners, stating that on further consideration does not think licences

KINNAIRD, LORD.—*cont.*

should be gradually reduced, as not being fair to general trade to create such a monopoly as would arise. Depriving all at a given time would be different. It would only be just and fair to the trade generally that all in that trade were put on an equal footing.

KIRKLAND, JOHN, LICENSED GROCER, GLASGOW. See MR OGILVIE.

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LAMOND, JOHN, FOUNDRY WORKMAN, DUNDEE:

It is 5½ years since I tasted drink, but when drinking in this town was never refused a glass of whisky in a grocer's if not too tipsy, 6777. Was in many of them, and have seen other parties getting it. Could have got it at any hour, Sunday or Saturday, when drinking. It is not fair to give one a licence and refuse the other, 6778. Have no doubt it goes on still, 6780. Have seen women getting drink at the grocers', and getting it put down as goods, 6781-85. Would like to curtail the liquor traffic as far as I can, the grocers are more dangerous than the publicans, 6786-87.

LANG, JOHN, PROCURATOR-FISCAL FOR THE CITY OF GLASGOW:

Twenty-two years in present position; before that justice of peace fiscal for lower ward of Lanarkshire, 4857. In last 15 years 56 grocers prosecuted for breach, 35 convicted, 4859. A certain proportion of cases reported have not thought proper to prosecute, 4860. The Act regulating grocers' licences has worked satisfactorily, and a favourable change from what it was previously, 4862. Few cases of breach in Glasgow compared with other places, 4866. The great proportion of them for selling drink to be consumed on premises, 4868. Some amendments to Act might be beneficial, 4870. Grocers should not keep open when publichouses are closed, 4871. Don't think there is necessity for increased power to police, 4872. No advantage would accrue to public from separation of trade, 4873.

LAURIE, PROVOST OF MUSSELBURGH:

Surgeon and provost, justice of peace, Midlothian, 856. 1857, 21 licensed grocers, 1877, also 21, 857. Other licences reduced by 10, 857. Magistrates inspect premises, 862. And inquire as to character of applicant, 861. We allow back doors, 864. Our grocers very respectable class, 864. 2 convictions annually for last 10 years, 865. Some evasion in smaller shops, 866-7. Should be clear view of interior from outside, 869. Not much sale in open vessels, 872. Generally in gill bottles, 874. Better houses for working classes would tend to cure the evil, 876. Would abolish small grocers, 878. £25 to £30 a minimum rental, 880. And close grocers and publichouses at 10 P.M., 882. Generally renew licence after first conviction, 888. Medical men prefer spirits to be got from grocers, 890. They are generally better than publichouses, 890. Percentage of licensed houses to population in Musselburgh 1 in 229, 891. Diminution of number of licences has not diminished crime, 895.

LAWRIE, MATTHEW, LICENSED GROCER, GLASGOW. See MR OGILVIE.

LESLIE, WILLIAM, PROVOST OF NAIRN:

Have been 5 years provost, 22 licensed houses in burgh, 8598-9. Statement.—Was previously magistrate of burgh from 1861 to 1865. Have made up abstract of licences granted for last 18 years. From it, it appears that in 1860, 4 hotels, 9 publicans, and 3 dealers were licensed; 2 of the last were grocers. This continued for some years, but feeling arose that monopoly was unjust to others in same business, and magistrates during years from 1863 to 1866 were induced to increase the number, so that in 1870, number of licences stood as follows:—hotels 5, publicans 8, grocers 11, being an increase in 10 years of 50 per cent., that is from 16 to 24. I opposed this increase. Since 1870 slight reduction has been made, viz., from 24 to 22 as at present, the grocers' licences being half that number. It has been found impossible to reduce this number after they had embarked in their business, and expended capital in it. Even when deaths take place some member of family takes up business. Think they are far too many. Population about 4000, and present number would give a licence to about each 180 of population. So far as I know they conduct business legally. 4 convictions against grocers for last 12 years. Grocers' licences have increased facilities for obtaining drink. Many purchase at grocers who would not be seen as a customer at publichouse. This circumstance, along with advance of wages, have led of late years to considerably increased consumption. Do not believe that Nairn is so

LESLIE, W.—*cont.*

bad as many other places, but still there is too much drink consumed. Practice of sending carts to country is apt to be abused. Think present licensing system is not working satisfactorily, and if allowed to go on, evils now arising from it will increase. Should be complete separation of trades. There should be 3 classes of certificates, viz., hotel-keepers', publicans', and spirit dealers'. Business of first 2 should be confined to consumption on premises. Think maximum number of licences, corresponding to size of town and extent of population, should be fixed by some authority, which should perhaps have granting and control of licences in district. Burgh magistrates should be relieved of the duty. Should be condition of spirit-dealer's licence that he should not supply drink to any child under 14, even as a messenger, 8600. Am a druggist, 8601. Above half of larger grocers in Nairn have licence, 8602-3. Extension of number has improved business of some at expense of others, 8604. Often find serious consequences from drinking at all licensed houses, grocers' shops as well as publichouses, 8606. There is not slightest doubt but that some people go to grocers' who would not go to publichouse, 8607.

LEWIS, DAVID, TREASURER OF HERIOT'S HOSPITAL:

Formerly bailie of Edinburgh for five years, 1503-5. Paid attention to licensing system in city, 1506. Think results of 1853 Act were very satisfactory, 1507. Figures as to consumption of spirits, 1509. Increase last ten years 1½-2½ per head, 1509. Corresponding increase in cases of drunkenness last ten years, 1513. I speak of city of Edinburgh, 1512. Table of cases of drunkenness last five years shows increase of 33 per cent., 1514. Table of female drunkenness last five years, shows increase of 36 per cent., 1517. Think cause of this increase is high wages and prosperity of country, 1518. Consider publichouses chief factors of drunkenness among males, 1519. Consider grocers' shops chief factors of drunkenness for females, 1519. Have formed this opinion from conversation with the women themselves, 1520. Drinking habits increased among women from facility they have in getting spirits from grocers', 1521. They would no doubt go to publichouse if they had the drink crave, 1522. It should be necessary to serve apprenticeship to the trade, 1524-25. Many persons become grocers for sake of selling spirits only, 1526. Law as to police inspection unsatisfactory, 1527. Difficult to obtain convictions, 1527. Instance of one, 1528-29. Have known cases of perjury. Would increase powers of police and shorten hours, 1530. Would withdraw licences from confectioners, 1532, 1538-40. Would separate trades of groceries and spirits, 1533. People wishing spirits would have to go to publichouse. Wine merchants might supply them. We have spirit-merchants who are neither publichouse keepers nor licensed grocers. They sell under publichouse certificate, 1534-37. Adulteration aggravates drunkenness, 1544-45. One difficulty connected with abolition of grocers' licence is the increase of value it would cause of publichouses, 1549. Am in favour of reducing all kinds of licences, 1551. One of the large publichouses which can contain from 150 to 250 does more harm than a dozen of the smaller ones which are being systematically suppressed, 1552. Am aware that free trade in liquor was tried in Liverpool. People differ as to success of it. Believe they went back to old system, 1554-56. There is less female drunkenness in places where there are unlicensed co-operative stores. Returns from Hawick and Kilmarnock showing this, 1557-58. Working-men have complained to me of their wives acquiring drinking habits from getting liquor in grocers' shops, 1559. Quart bottle limit would tend to increase drunkenness. Formed this opinion from what I saw of bottle system in Sweden, 1560. Have no doubt many of working classes get drink at grocers', and are not of drunken habits, 1563. Only solution of drink problem is total prohibition, 1565. Don't recognise any claim for compensation if trades are separated, 1568. Hard ale licences abolished by Act of 1876, 1571.

LINDSAY, GEORGE, BANKER, PAISLEY ROAD, GLASGOW:

Justice of peace and magistrate of Kinningpark. Concur generally with Mr Breingan. Licensed grocery business carried on honourably in the city of Glasgow. There should be minimum rent of £40 or £50 in Glasgow, 5379-80. Would prohibit residing on premises, 5385. The lower class of house might be got rid of by raising price of licence, 5388.

LINTON, THOMAS, SUPERINTENDENT OF POLICE, EDINBURGH:

Twenty-seven years superintendent of police, 172. Magistrates, before licensing, visit and report, 173. Are very particular, 174. No increase in number of houses

LINTON, T.—*cont.*

over long period of years, 176. Publichouses have decreased, 177. Have known a publichouse licence refused, and grocer's granted instead, 181. There should be a £40 or £50 minimum rent, 190. Too many grocers granted of late years, 191. Publichouses would not increase if grocers decreased, 201. 133 convictions in 20 years of grocers for week-day breaches; 38 on Sundays, 206. Number of convictions does not represent actual state of matters, 209. Detection difficult, 209. Section 13 of 1862 Act dealing with police supervision defective, 212. Grocers should have same supervision as publicans, 213. Believe liquor often consumed on grocers' premises, 214. People drunk in streets generally obtained in publichouses, not grocers, 217. Receive weekly report in terms of section 14, 1862 Act, 218. A few publichouses reported; no grocers, 218. Besides force in uniform, detective and assistant appointed exclusively for enforcing Licensing Acts, 224. Numbers found drunk on streets less than half as many as 20 years ago, 225. If flagrant case lose certificate on one conviction, 229. Hours should be shortened, 235. House and shop should be separate, 239. Only 15 in Edinburgh have communication. All are in the old town, 246. Have had convictions against hard ale shops, 251. Back-doors as a rule not allowed, 256. Don't believe police are treated, 257. Slight increase in females found drunk, 260. Sale in open vessels not common, 263. Not in favour of total abolition of grocer's licence; they have been too long legalised, 279. Would approve of new class of spirit-dealer's licence if grocer's abolished, 289. Wine-merchant must have certificate to sell in small quantities, 290. Bakers and confectioners have publichouse licence, 307-314. Two classes of licensed grocer—the *bona-fide* grocer who sells spirits, and the one where sale of groceries subordinate, 300. Law as decided by High Court as to supplying children should be altered, 314-7. Can't say positively, but believe fictitious entries are made, 319.

LIST, GEORGE HENRY, CHIEF CONSTABLE OF BERWICKSHIRE AND EAST LOTHIAN:

Have had joint charge of the two counties for 16 years, and of East Lothian for 21 years before that, 999. Increase of wages has caused increase of consumption of drink. Bottlers have increased much of late years, 1001. They supply everybody who will buy from them. They have a certificate to sell off the premises. As wholesale dealers they supply grocers, and as retail dealers supply their customers, 1002-10. In landward part of Berwickshire there are 52 inns, 12 publichouses, 41 licensed grocers, 228 unlicensed grocers, 1012. In burgh of Lauder, 3 inns, 2 publichouses, 6 licensed and 11 unlicensed grocers, 1013. Licences have decreased in both counties, 1014. East Lothian justices some years ago framed regulations for granting licences. A committee was appointed to report to the justices and recommend. The justices have only twice in last 25 years gone against the recommendation of the committee. The committee fix number of each class of licence for each district, and fix a minimum rent, 1016-1022. There were 140 licensed houses in landward part of East Lothian in 1841, while last year there were 68, 1020. Population of county of Berwick, 36,468; licensed houses, 116; convictions for crime, 464; drunk and incapable, 33; breach of certificate, 5 (all publichouse-keepers). In county of Haddington—Population, 37,676; licensed houses, 139; convictions for crime, 1310; drunk and incapable, 164; breach of certificate, 9 (all publichouses). This shows great deal of intemperance in spite of regulations, 1023. Convictions against grocers last five years. Two in Berwick, twelve in Haddington, 1027. Evasions are very common; detection is difficult. Police should have more power of entry. Windows being obscured makes it difficult to see what is going on, 1028-34. Not much drinking in grocers' shops before legal hours, though it is common for working-men to have a dram in the morning, 1037-38. In certain districts publichouses and inns are open before eight. This is contrary to decision in Rothesay case, 1039. Grocers' hours should be 8 A.M. to 8 P.M., and to 11 P.M. on Saturdays, 1040. This would to a certain extent discourage private drinking, which has increased much, 1041. Credit cannot be got at publichouses, and so drink could not be so easily got, 1042-46. Difference between English and Scotch law as to sealed bottle. By English law sealed bottle is required. In Berwick-on-Tweed only one grocer. Trade is in the hand of publicans and innkeepers. System works well there, and should do so in Scotland, 1048-53. Respectable families send to the publican for liquor, 1055. Limitation to sealed quart would tend to restrict drinking by the intemperate class, 1056. Prefer quart to pint limit, 1058. Many small grocers subsist chiefly by

LIST, G. H.—*cont.*

the sale of spirits, 1060. Limitation to sealed bottle would put an end to drinking on the premises, 1062. English law as to drunk and incapables should be adopted. Fines should be increased, 1065. In Scotland present law is seldom enforced in the counties. Expense of prosecution is so great, 1066. No doubt there is a large proportion of convictions for crime in mineral parishes, 1069. Quart limit might be a hardship to respectable poor people, 1075. The fact of increase of numbers of licensed grocers in East Lothian and decrease in Berwickshire is caused by the difference in the applications of the people, 1076-77. Unlicensed grocers do a large trade, 1078. There is no difference in the prices of groceries in licensed and unlicensed shops, 1079. Section 83 and 84 of English Act of 1872, which makes drinking on the street outside the shop a breach of certificate, should be adopted in Scotland, 1080. Single bottle licence to grocers is granted by the excise. No certificate is necessary, 1085-86. Shop and dwelling-house being separate might press unduly in country places, 1090. Would punish the buyer as well as seller. Case at Coldstream, 1090-91. Don't know that grocers' or hawkers' carts exactly commit abuses of the law. The trade has extended much, 1093. It is evasion if they sell without previous order, 1094. We have got convictions against vans selling to shearers who could have had no opportunity of giving orders, 1096. Grocers should not be open except during hours when they may sell liquor, 1100.

(App. D., No. 45, p. 501.)

LIST, ALFRED JOHN, CHIEF CONSTABLE OF COUNTY OF EDINBURGH:

Thirty-eight years chief constable, 2152. Returns of convictions last 10 years show 24 convictions against grocers, 2192. No reason to believe that Act is much evaded, 2195. Clause 83, 35 and 36 Vict., cap. 94, as to drinking on highways, should be adopted, 2198. Should have same inspection of grocers as of publichouses, 2198. Travelling carts common in county, 2202. Believe they commit breaches, 2203. Orders should be sent direct to vendor's premises, 2203. Or delivery order should be sent out with goods, 2203. Have had several convictions of bottlers, 2206. Prior to 1853 grocer got publichouse licence, 2216. After that, classed hotels, publichouses, and grocers, 2218. Average annual number of convictions for drunk and incapable is 48, 2220. Slight increase when wages were high, 2221. Persons found drunk in licensed house should be punished, 2223. Clause 14, as to reporting houses from which drunk people are seen frequently to issue, is not generally observed, 2226-7. Desirable that dwelling-house and shop should be separate, 2229. No benefit would arise from sealed bottles, 2229. Quart system not successful in England, 2230. Great difficulty in separating trades, 2235. System is so deeply rooted, 2235. It does tend to more drinking, 2237.

LITTLEJOHN, JAMES, LICENSED GROCER, ABERDEEN:

Wholly concur with Mr Robert Stevens, 8040. Have held licence since 1835. Have had large retail business for 24 years, principally among the better class of people. Considerable majority middle classes and tradesmen. Have also had some of the poorest. Separation of trades would not do good some anticipate. Would be great inconvenience to public. Have number of customers who send orders from country, and among other orders one for bottle of wine or whisky. They would feel it hardship to think that I had to send to publichouse and pay 3d. or 4d. more for it in order to supply them. Sale is chiefly in pint and quart bottles. On one day of the week we fill and set past the number that we think will be required. Some poor people come for a gill or half gill of spirits. Do not approve of drinking in way which has been represented in evidence to-day. I generally ask poor people what they are to do with the spirits, and they generally say it is for medicine. Would be hardship for them not to get that small quantity. Business has been slandered by some of the evidence to-day. Would not believe one-twentieth of it. If it came to proof fear it would break down. Parties who use drink in legitimate way would think it hardship to pay more for it by getting it through another channel. At a time a party will ask for liquor to be drunk in shop, but we inform him of a neighbouring publichouse. Any respectable man will keep to the conditions of his certificate, 8040. Trades have so long been joined that it would be hardship to separate them; but speaking of inconvenience refer particularly to country customers. Better quality of spirits supplied by grocers, 8041-44. To separate trades would do injustice to large number of grocers. Certificates should be withdrawn from offenders. Keep-

LITTLEJOHN, J.—cont.

ing of spirits in bond for 2 years might be hardship to some parties in trade, 8045.

LIVINGSTON, JOSIAH, MERCHANT, EDINBURGH :

Justice of peace city of Edinburgh, 2794. Sell to wholesale trade in Edinburgh and Leith, 2796. Statement, that connection in Scotland between grocery and spirit trade of very ancient date, 2797. 1828 Act found system of ancient standing, and whole effect of Act was to prevent Sabbath drinking, 2797. Word grocer first used in Act 1853, a most beneficial enactment, 2797. Improvement of social condition of working classes shown by large and increasing deposit in Savings Banks, 2797. Ignorance of law in many cases accounts for breach of it, 2797. Many small grocers carry on most respectable trade, 2797. Grocers generally in favour of hours 8 A.M. to 8 P.M., 2799. General desire to shorten hours, 2800. Quantity should not be restricted to bottle, 2802. Purchase of small quantities not the habit of waifs only, but of respectable people who take spirits at their meals, 2802. A gill bottle would not be too small, 2813. Bottle to be securely corked, 2816. Report by Chamber of Commerce as to limit of rent proposes increase of cost of licence, 2826. Should be at discretion of local authority, 2827. Grocer trade seems to have developed of late years in Edinburgh, 2831.

(App. D, No. 43, p. 499.)

M**M'ADAM, MR., LICENSED GROCER, CROSSHILL :**

Concur generally with Mr Trotter, 5472. Mine is family business. Don't sell under a pint once a day. Would be quite willing that hours should be shortened, 5474. No objection to reasonable supervision. Preventing sale by grocer in small quantities would drive people to publichouse, 5476.

M'BETH, DANIEL, SHERIFF CLERK AND JUSTICE OF PEACE CLERK, COUNTY OF BUTE :

In Island of Bute outwith burgh of Rothesay 9 licensed houses, 4402. No licensed grocers in Island, 4403. In Cumbræ 4 inns and hotels, 3 publichouses, and 4 grocers, 4404. In Arran, 11 inns and hotels, 1 publichouse, and no grocer, 4405. Grocers' licences have tended to increase drunkenness, 4408. Facility is given for obtaining small quantities on credit where they are getting articles necessary for family use, 4410. Some years ago the magistrates shortened the hours to 10 o'clock; this lasted 9 months. During that time manifest difference in number of cases before police court, 4412-13. In 1871, the year before the restriction, number of apprehensions was 417; in year of restriction, 276; year following, 329, 4414. Don't recollect of any fictitious entries. There is a good deal of consumption on premises not detected. Detection is difficult, 4416. More powers to police might improve matters, 4417. Would place restrictions upon grocers rather than separate the trades. Would restrict quart minimum sealed bottle, 4418. There is great difficulty in meeting alleged injustice to unlicensed grocer, but restriction of the hours over all would be beneficial, 4421.

M'CALL, ALEXANDER, CHIEF CONSTABLE OF GLASGOW :

Have been 7 years chief constable. 28 years in Glasgow force, 3764. Statistics of Glasgow, 3765-72. In 1876 there were 268 licensed grocers, 3765. Total licences in 1876, 1848; equivalent to 1 to 295 of the population, 3766. In 1853 there were 2053 licences. Average rental in 1876 £86. 3 grocers and 5 publicans live on premises in Glasgow, 3772. The magistrates don't allow this. It was found to conduce to Sunday drinking, 3776. Have always advised the magistrates to grant the licences only to *bona fide* grocers, 3778. Magistrates only grant where they think it necessary to public interest, 3782. Some of the most extensive grocers have no licence, 3786. More unlicensed grocers than licensed, many have not applied for it, 3788-90. Don't think it would be hardship to public to separate trades. From 1863 to 1877 inclusive, 36 convictions against grocers, 3797-99. Have no reason to believe there are many evasions, 3800. £86 average rent of grocers' shops, 3801. Only 3 under £15, 3802. Sale in open vessels is not common, 3803. Grocers should have same hours as publichouses, 3808. Being open earlier or later than publichouses is a temptation to evasion, 3811. Don't think, in Glasgow, separation would increase sobriety. Would restrict to pint minimum in corked bottle, 3812. Sealing not much importance so long as screw required to pull cork. Don't consider it of much consequence prohibiting casks on tap in shop, 3819-23.

M'CALL, A.—cont.

Would do no harm to give police increased supervision, 3824. Don't think that constables, unless specially sent, go into grocers' shops, 3028. Treating police, 3829-32. No case of treating by grocers has come under my notice, 3832. I have weekly reports of premises out of which drunk persons come, 3833. In 1876 1350 reports against publicans, 4 against hotels, and 1 against grocers, 3834. We have no difficulty in carrying out the law as to drunk and incapables, 3835. Every person is now brought before the magistrate, 3838. So far as possible, we keep records of persons as well as cases, 3840.

M'CULLOCH, COLIN, DEPUTY TOWN CLERK, GREENOCK :

Assessor of Police Court, 4099. In Small Debt Court have seen cases where spirits have been entered as groceries. In all cases Sheriff generally disallowed, 4101. These cases were not numerous; they occurred with one dealer, who dropped the licence in 1868, 4102-3. 39 licensed grocers in Greenock, 1 to 1769 population, 4104. 9 hotels, 193 publichouses, 1 licensed house to every 282 people, 4106. There has been increase since 1864 of 14 grocers' licences. Decrease of 1 hotel. Publichouses almost the same, 4108. The magistrates have refused to grant many new licences, 4109. Proportion of licensed to unlicensed grocers very small in Greenock, 4111. Makes grocer's licence a valuable monopoly, 4113. Grocer's licence inferior to publichouse licence in value, 4114. In publichouses price for goodwill from £500 to £800. The last case of selling price of grocer's licence reported to court was £50, rent of shop £18, 4117. Transfers almost invariably granted if character of applicant good, 4120. Five convictions last 10 years for breach by grocers. Three licensed grocers in Greenock live on premises. General opinion in trade that closing hours should be 8 P.M. during week, and 10 P.M. on Saturdays, 4123. Only 1 case of adulteration has come before magistrates last 5 years; it was proved not to be adulterated, 4124. The magistrates would not, I think, consider fusel oil an adulteration, 4128. In a district in Greenock of 15,000 population, 2 licensed grocers restricted to porter and ale, drunkenness is enormous, 4129. Infer from this that the evil is caused by publichouses and not by grocers, 3130. Do not think there is much evasion in Greenock, 4132. Grocers have been convicted. Never heard of any difficulty of getting evidence for conviction where parties were suspected, 4133.

M'EWEN, D., LICENSED GROCER, STIRLING :

Concur generally with Mr Cowbrough, 1876. Sales almost entirely small quantities, 1878. Quart or pint limit would only drive people to publichouse, 1880. Gill and half-pint bottles would do, 1883. Same person having separate shops would do no good, 1884. Quart limit would increase my sales, 1885. Never sell in open vessels, 1886. Believe grocers in Stirling are strict in observing law, 1889. There may be evasions in small shops, 1890. Licences should not be given to persons not bred to the trade, 1894. Back doors necessary, 1895. Travellers treating not the custom, 1899.

M'GILLIVRAY, JAMES, LICENSED GROCER, IRVINE :

Belong to Irvine and Halfway Licensed Grocers' Association, formed last March, 5256-7. Have had licence 13 years. No experience of drinking on premises, nor of treating servant girls. I pay £34 rent, 5259-61. Frequently asked to allow drinking on premises. Never allowed it, 5263-4. Sell in bottles and jars. Never open jugs, 5267-69. Supply children when I know it is for their parents, 5273. Would not give it to child in an open vessel, 5275. Hours should be 8 to 8, and 10 on Saturdays, 5277. People have a habit of buying late on Saturday, 5278. Have no internal communication between house and shop, 5281-2. Would be good rule to prohibit communication, 5283. Never asked to make fictitious entries, 5284. Have no objection to increased supervision, 5289. Effect of prohibiting sale under two years old would be to drive a great number out of the trade, 5292. It would require large capital to carry on, 5293. Whisky would then cost 3s. to 3s. 6d. a bottle. Now it is 2s. 6d. to 3s., 5297-8.

M'HARDY, W. B., COMMANDER, R.N., CHIEF CONSTABLE OF LANARKSHIRE :

I am not aware of any scheme laid down by magistrates, 3655. They refuse a number of grocers' applications, 3657. Generally understood to be on account of there being already a sufficient number. Believe on the whole grocers' licences act beneficially in absence of any other arrangement, 3662. People require liquors who object to go to publichouses, 3663. If trade in home consumed liquors could be kept apart, the objections to grocers' licences would be obviated, 3665. The present

M'HARDY, W. B.—cont.

system puts hotelkeeper and publican to disadvantage, 3666. Very few evasions come to my knowledge. Under present law it is very easy to evade, 3669. In 1876, 10 convictions, 3670. Great number of grocers are supposed to break the law, but we have no evidence, 3671. Have known cases in court of fictitious entry, 3673. Would be preferable that the sale of liquors should be distinct from that of provisions, 3674. Have formed this opinion from reports made to me as to difficulty in checking illegal traffic, 3675. One difficulty is that of grocers' and bakers' carts, 3676-7. This practice would exist largely but for exertions of police, 3679. Hotel licences should be granted conditionally on separate entrances being provided for home consumption trade, 3682. This might be required for publichouses also. Licensed houses should be closed at 10 o'clock; this would relieve the police very much, 3685. Some grocers who sell milk are suspected of selling liquor on Sundays, 3686. Drunk and incapable offences have considerably decreased, 3687. Drunkenness and violence more prevalent when wages are high, 3688. Any advantage gained by increased supervision counterbalanced by disadvantages, 3689. It would annoy the respectable public, 3690-1. Detections would no doubt be more easily made, 3693. Police are instructed to visit publichouses as frequently as possible without causing annoyance, 3695. Police are not treated by grocers or publicans, 3700. The provision in 1862 Act as to reports of premises from which people come out drunk not observed in county, 3701. It is the exception for a drunk and incapable to be taken before a magistrate, 3703. If they have money pledges taken that is of course forfeited; nothing more is done. This though common in Scotland is not legal, 3704. This practice arises from expense attached to prosecution, 3705. In most cases in country districts there is communication between house and shop, 3707. I have noticed that unlicensed grocer's shop is comparatively open to view; if he gets a licence you find window hidden with boxes, and whole place obscured, 3708. In villages or small towns I think there would be sufficient business for spirit-dealer who sold not to be consumed on the premises, 3709. This class of house should be under same supervision as publichouse, 3712. Present grocers might have separate establishments in same district, 3713. In case of drunk and incapables the pledge system has drawback of nullifying the law providing for previous convictions, 3714.

M'HARDY, HARDY, COMMANDER R.N., CHIEF CONSTABLE OF AYRSHIRE :

Have only been short time in county, 4773. There is extensive irregularity among licensed grocers in localities where they are most numerous, 4774-75. Taking whole county, increase in number has not been proportionally to increase of population, but in parishes of Irvine, Dundonald, and Dalry it has been greater, 4776. I refer to grocers' licences only, 4777. Returns show increase of drunk and incapables. Can't say the increase has been greater where number of licensed grocers had increased, 4779. From evidence given me by police reports, I am sure there is constant contravention, 4780. In populous places, where these contraventions are reported to take place, there is communication between house and shop, 4783. Slight increase in number of licences this year, 4785. In district of Kilwinning, Irvine, and Dundonald, licensed and unlicensed grocers are the same in numbers. In whole county proportion is 1 licensed to 4 unlicensed, 4785-86. Justices seldom refuse renewals, but hesitate in granting new licences. Have seen entries 'goods' and 'pop.' I am told this fictitious entry is for spirits, 4790. If small houses were done away with there would be fewer irregularities. Forty-four out of the 182 in county are under £10 rental, 4795. I have reason to believe each year a greater number of grocers more entirely depend for their profit and success on the sale of spirits, 4797.

M'INNES, JOHN T., EDITOR OF 'CO-OPERATIVE NEWS,' GLASGOW :

Co-operative societies registered under the Industrial and Provident Societies Act in Scotland are 314 in number, with 78,984 members, £423,654 capital, and £2,437,544 sales. Those under Companies' Act are 3 in number, with 5776 members, £13,471 capital, and £127,871 sales. Eight licensed to sell spirits and ales, and 3 beer and porter only. These eight have 2241 members, £10,049 capital, and £56,243 sales. Those holding licence do large credit trade. Unlicensed stores all ready money trade. Failures of licensed stores have been much larger in proportion than of unlicensed stores, 5928.

M'INTOSH, DAVID HILL, MEAL MERCHANT, DUNDEE :
Witnessed breaches of the law similar to those seen by**M'INTOSH, D. H.—cont.**

Mr Thomson about 17 or 18 years ago, but do not know if the habit has altered. Saw a case of a woman drinking behind boxes lately, 6577-79. Speaking about 18 years since, saw woman get Indian meal marked in place of whisky. It is common to give a glass of whisky on paying accounts, 6580-84. Knew a man that often took to drinking, and when everything failed he would get it at his grocer's. Have various reasons why the trades should be separated. It is wrong for the grocers themselves, because it is not easy keeping the law, but that would apply to any licence. It is unfair to the unlicensed grocers, who cannot compete with the licensed, then there is the bad and common habit of grocers treating lorrymen, &c., to drams for delivering goods. Know of men who have become habitual drunkards through that, 6584-86. Told to-day by baker that he had lost two customers through another baker standing so much for drink while this one wouldn't, 6588-89. The best grocers mark 'goods' down for whisky in the pass-books, 6589. Know of women who go to grocer's that wouldn't go to publichouse, 6590-93. Am total abstainer, but not here as such, 6594. Would be a great benefit if trades were separated, 6595.

M'INTYRE, PETER, FORMERLY LICENSED GROCER, DUNDEE :

Statement.—From experience have found that many families prefer getting their groceries, wines, and spirits at one shop. Separation of trades would not lessen intemperance. Lady would not go or send to publichouse for spirits. Very few of the respectable working class keep spirits in the house, seldom sending for more than for immediate requirements. Both classes prefer sending to the grocer. Have found that teetotallers, when ordered medicinally to take wine or spirits, do not go to publichouse, but to grocer. Pint or quart minimum would be injury to working classes, compelling them to buy larger quantity than they wanted, or go to the publican. Hours should be 8 to 8, perhaps 9 on Saturdays. Have always considered it was an omission in Forbes M'Kenzie Act not putting grocers under same police inspection as publicans. If such had been the case, convictions could easily have been got. For many years shopman in Edinburgh and Dundee. Never saw anything entered but the exact goods got, and during 37 years I was licensed grocer in the Nethergate, Dundee, was only once asked to make false entry, 7154-55. Shop was in what we consider about the best locality, 7156. Rental I paid, £70, 7157.

M'KILLOP, JAMES, COALMASTER, SLAMANNAN, STIRLINGSHIRE :

Statement.—Am connected with collieries, employing upwards of 750 workmen. In Slamannan 3 hotels, 2 publichouses, 8 grocers licensed. Population between 5000 and 6000. The system produces drinking among female customers. Know fictitious entries are common. Drinking outside grocers' shops carried on to disgraceful extent. Trades should be separated. Sealed bottles would not cure the evils. To control a monopoly or favour, licences should be submitted to auction or public competition. Would close publichouses at 10 P.M. A proper representation of working men's opinion would be against system, 4548. In Slamannan ratio of 1 to 400, 4550. Justices have given no new licences of late, 4554. There have been applications, 4555. There are considerable number of unlicensed grocers who seem to get a living, 4557-59. Licensed grocers live chiefly by liquor trade, 4550. The lower class workmen generally go to licensed grocer, the better class deal with co-operative stores, 4563-64. The union between grocery and provision trade is undesirable, 4567. Would rather see consumption at publichouse than at home. Liquor got from grocers is very much confined to wives of working men, 4576. They would not go to publichouse, 4577. Working men, if anything, have improved. In times of depression the most respectable class emigrate, 4581. Have seen tables in grocers' shops for sitting at 4591-93. Also seen drinking outside, within few yards of door, 4595. Majority have house and shop connected. Have seen many cases of drinking in grocers' shops, both at counter and back place, 4604-9. My principal complaint against system is facility given to working men's wives, 4610. I know it to be done without husband's knowledge, 4612.

M'LAGAN, ALEXANDER, PAINTER, BROUGHTY FERRY :

About two years ago have got drink 12 or 14 times in a grocer's shop in Dundee, both standing at the counter and sitting in the back shop, 6608-15. Have given up drinking now, 6616. It was always in one shop, and have seen others drinking there also, 6617-20.

McLAREN, DUNCAN, M.P. FOR EDINBURGH:

Grocers' licences by Acts of Parliament require to be strictly limited. Parts of these Acts are practically in abeyance. Grocers' licences, instead of being diminished, as intended by the Acts, have been increased. In Edinburgh largely increased, especially in low neighbourhoods. Comparison of decrease of licences in Edinburgh and Glasgow with increase of population. Cheap rates of prices of bottles of spirits, showing that quart limit would not suffice. Large increase in consumption of British and foreign spirits. At one time strongly in favour of quart limit, now am satisfied it would be no real cure of the evil. Am against grocers selling spirits, but in favour of their having beer and wine licence, 93. No intention in 9 Geo. IV. cap. 58 to licence grocers at all, merely to licence 'common inns, alehouses, and 'victualling houses' for spirits, &c., 94. Only to 'such' and so many persons as they shall think meet and convenient, 94. Only one form of licence by that Act, 95. No legal right in grocers to have licence under it, unless they were victuallers, 97-98. Section 2 of 1853 Act (16 & 17 Vict. cap. 67) gives grocers for first time a legal right to licence, 98. Distinction was set up between houses of public entertainment and shops for sale of eatables and drinkables, 99. Object of Act to make trades distinct, 100. Twenty-five and 26 Vict. cap. 35, 100. Section 2 allowing magistrates to grant other certificate than the one applied for has done mischief, 100. Police supervision under section 13 not sufficient, 104. Very lax in this city, 106. Section 14, as to the weekly reports of houses from which people issue in state of intoxication practically in abeyance, 109. Section 16 has diminished hawking, 112. Section 19 has been useful in suppressing shebeens, 115. The impression is that constables are treated by grocers, 116. The words 'traffic in' or 'give' should be noticed, 117. The provision in certificate against 'giving,' not attended to, 117. Failure to apply 1862 Act properly has increased drunkenness, 121. Approve of Confirming Committee under 1876 Act, 125. In Glasgow grocers have decreased. In Edinburgh they have largely increased, 127. Glasgow has diminished number of licensed houses more than Edinburgh has, 129. Certain streets and districts in Edinburgh have too many licensed houses, 130-142. The fact of there being clubs in Princes Street, where liquor is consumed, shows that licensed houses are not the measure of the quantity of drink consumed in a district, 137-139. Number of licensed grocers excessive, 142. In poorer localities grocery trade subordinate to spirit, 143. Quotation from *Lancet*, 144. Three different classes of licences commonly known as grocers', 153. If grocers' licences abolished, another class of licence would be probable, 157. Dealers in spirits, not to be consumed on premises, 157. Price of spirits—Spirits should be sold at 2s. a bottle with profit to grocer, 160-163. Law as to transfers of licences not satisfactory, 166.

McLAUCHLAN, ANDREW, LICENSED GROCER, ROTHE-SAY:

Concur generally with Mr Heron, 5401. Have large working class business. Would be hardship to them not to be able to supply small quantities. Restriction to quart would encourage intemperance, 5401. Not being allowed to have cask in shop would not do at all in small shops like mine. Practice of treating servant girls not known in west of Scotland, 5405. If grocer were inclined to break law having no cask on tap would not hinder him, 5407. Excise should enter in permit the date when spirits were bonded, now it only states the strength of the spirit, 5422.

McLEAN, ——— FOREMAN TO DOW & HENDERSON, SHIPBUILDERS, PARTICK:

Concur with Mr Daniel Anderson's statement, 5869. Trades should not be separated, 5878. Would rather grocer sold than person who sold liquor only, not to be consumed on the premises, 5881. If you could secure as respectable a person as licensed grocers are, would not object, 5882-85.

McNEIL, ARTHUR, SUPERINTENDENT OF POLICE, STRANRAER:

Statement.—Have had charge of upper district of Wigtownshire since 1864. Seven licensed grocers in district, 5 being in Stranraer, 1 in Glenluce, and 1 in Portpatrick. Always thought grocers' licences a bad system. It affords inducements to labourers and artisan's wives, and in some cases drink thus obtained is entered in pass-book as groceries. Very difficult to detect evasions. Have no record of convictions before 1870. Since then there have been four, two against same person, 5727. Population of Stranraer about 5000, 5729. 35 public-houses and hotels, 5730. Some very small grocers', £10

McNEIL, A.—cont.

rent, 5733. They are the worst for evasions, 5734. Majority of grocers have a habit of allowing consumption on premises, 5735. No licence has been refused in my time, the person twice convicted lost his licence, 5736. Common report in Stranraer that working men's wives get drink in grocers' shops. Have seen it myself, 5739. We have good many women in Stranraer who take too much, 5740. They go as often to grocers as publichouse, 5741. They are more quiet there and less suspicion attaches, 5762. If no grocer they would go to publichouse, 5743. The number has not increased in last seven years. No new applications, 5747-8. No new grocers' licences granted for last ten years, 5749.

McNIDDER, PETER, MANAGER OF MESSRS GOURLAY'S SHIPBUILDING YARD, DUNDEE:

Concur generally on the same grounds with Mr James Stewart, 7254-5. From 800 to 1000 men employed in the yard I am manager of, 7256. No rental test could be well imposed, because the value of the property would be no guarantee of the fidelity of the trader, rental varies so much, 7257-8. Business should be in premises of good size, 7259. To get spirits on credit at the publichouse is common among the riveters of my trade, 7261-2. They are highly paid and wrought workmen, but the loosest set we have to do with publican has to trust to chance, 7263-9. Men have never complained to us that their wives got drink from grocer unknown to them, 7270.

MACDONALD, ALEXANDER, M.P. FOR STAFFORD:

Have taken interest in this inquiry, 4044. Speak particularly of mining districts in England and Scotland, 4036. Have formed strong opinion that in Scotland abolition of grocers' licences would be beneficial, 4048. They have a tendency to lead to consumption at home, 4049. It affords means for liquor being obtained, fictitious entries made, 4061. Working men have told me that their wives have got drink along with groceries. Such things were more frequent when the truck system was so rampant, 4052. So far as I know, not one per cent. of working men's co-operative stores sell drink, 4053. In some cases in England they sell beer. Believe the use of strong drink in homes of working classes is an accident rather than a habit. It is not looked upon as necessary for dinner or other meals, 4059. Have not observed the defects of the system in England so much as in Scotland, but do not think the sale is so indiscriminately carried on there as here, 4060. This may arise from beer being the national beverage in England, 4062. There are still stores in England connected with mines, where drink is sold and profits accrue to owner of mine, 4066-67. These stores hold grocers' licences. Drunkenness among working people is largely diminishing, 4073. Large sums invested in savings' banks and friendly societies show increased frugality of working classes, 4074. Larger proportion of drink is used by the middle classes, 4076. Don't mean drinking to excess has increased among middle classes, merely drinking as drinking. Have had complaints as to stores selling drink in west of Scotland, very rarely in the east, 4082. Do not consider the Forbes McKenzie Act had anything to do with the raising of the people, 4085. Have no faith in restrictive laws doing this to any extent, 4086. The number of confirmed drunkards among working men is increasing, but not *pro rata* more than the population, 4087. Drinking increased with the extraordinary rise of wages two or three years ago, but progressive rise is not likely to increase it, 4090. There was at that period a recklessness in spending which does not occur at other times, 4091. It is a fact that while consumption of articles of food falls simultaneously with decrease of wages, consumption of spirits does not fall to the same extent, 4096. Don't make any charge against respectable grocers. Remarks apply to mining districts. The sooner trades are separated will be the better for the community, 4098.

MACFARLANE, JOHN, LICENSED GROCER, GOVAN:

Concur generally with Mr Anderson and Mr Trotter. Average rental in Govan about £50. Restriction of hours should apply to publichouses as well as grocers. Cooked meats should be sold in publichouses. A source of drunkenness is drinking without taking food. My trade is principally family, though I have some working class trade, 5471.

MACGREGOR, ALEXANDER, UNLICENSED GROCER, EDINBURGH:

Served apprenticeship to trade, never held licence, 428-9. Served four years in licensed shops, 430. Holding licence improves custom, 431. Saw many breaches when in licensed house, 438. Generally in back shop or behind screen, 443. Sales often to children, 456. Some

MACGREGOR, A.—cont.

times in open vessels, 457. Evaded police if possible. They are very lax, 461. Have known policemen treated and whisky drunk in shop, 465. Licensed grocers don't undersell unlicensed, 476. If trades were separated, number of grocers would decrease, and prices would not rise, 477-9. Law most evaded in poorer localities, 484. Have seen servants treated to whisky when paying bills, 493-4. No desire to hold licence from principle, 499. Never knew of fictitious entries, 505. Another class of house should be licensed, and sale of spirits by grocers prohibited, 515.

MACKAY, DONALD MATHIESON, FORMERLY SUPERINTENDENT OF POLICE, DUNDEE:

Am opposed to grocers' licences, because law systematically evaded, 762-3. No proper means of checking this, 763. My evidence refers to Dundee, 763. Table of convictions in Dundee, 12 years to 1876, 769. Commissioners of police objected to plain clothesmen, 771. Consequently could not detect, 771. Magistrates now very strict in prosecution of offences, 773. Grocers should sell beer and wine but not spirits, 794. If spirit licence not taken away, should be limit of sealed pint, 797. Renewal generally refused after conviction, 802. Transfers require confirmation at half yearly court, 808. Generally allowed if cause satisfactory, 800. Preference given to those bred to trade, 810. Police should have power of entry, 822. Should be a clear view of shop from outside, 821. Magistrates refused to licence small places, 831. And give no licence where house and shop are connected, 834. Or where back doors, 835.

(App. D, No. 44, p. 501.)

MACKAY, WILLIAM, SUPERINTENDENT OF POLICE, GALASHIELS:

Four hotels, 7 publichouses, 22 grocers, 3 bottlers in Galashiels, 3243. Number of licensed houses diminishing, 3246. Magistrates desire to reduce, 3247. Eight grocers convicted in last 5 years, 3251. We have grocers whose spirit-selling chief part of business, 3252. Cases reported not prosecuted from insufficient evidence, 3255. Magistrates severe when cases proved, 3257. Law frequently evaded, but it is difficult to detect, 3258. Working men's wives prefer grocer's shop, 3262. Eight grocers send carts to country, 3267. Believe goods to be previously ordered, 3269. Trades should be separated, 3278. Hours should be 8 A.M. to 8 P.M. Have known of fictitious entries, 3282. If bottles are sealed, there should be a gill minimum. Don't think treating police is common, 3290.

MACKENZIE, DANIEL, LICENSED GROCER, PERTH:

With reference to evidence of Sheriff Barclay as to fictitious entries, we deny that, as a trade, we can be charged with anything of that kind. It is utterly unknown to me, 7302-3. Keeping spirits in cellars would not be a preventive of consumption on the premises. Size of shop would be better preventive. If confined to cellar would require excise regulations. It would be an interference with the trade, 7304-8. It would not be less difficult for a man to sell a glass of whisky over counter if he had not an open vessel containing whisky in his shop, 7309. As a member of Town Council of Perth have had it brought before us that the law was not so strictly enforced as it might be. If strictly enforced present law sufficient, 7310. Admit law should be altered to extent of enabling offenders to be convicted, 7312. Would have no objection to more police supervision. Agreeable to shortening of hours as stated by Mr Carnegie, 7313-14. Should not be made illegal to sell drink to children under 14 as messengers, 7315. No publicans in Perth have any stock in bond. Grocers have. This accounts for grocers having better spirits, 7317-18. Hold wholesale licence and sell small quantities, keep groceries, 7319-21.

MACKENZIE, JOHN, M.D., Ex-PROVOST OF INVERNESS:

Am not in practice now, 8428. Think it is misfortune that grocers are licensed. System helps drinking habits of people, 8430-31. They can get it on the sly at grocers, 8432. Came much in contact with police when provost for 6 or 7 years. It is 4 years since I was provost, 8434-5. Would defy police to put down illegalities thoroughly, 8436. Have not paid much attention to subject for 4 years, but before that it was practice for people going to grocer's who would not go to public-house. When man got licence he generally put up screen, 8438. Have been abstainer for 17 years, 8440. Would separate trades and have dealer besides publican, 8443-4. Would be hardship to people to take away licence, but they have been deriving profit, and doing harm too, 8445-8. Spirits with fusel oil in them are much more injurious. Don't exactly know what effect they have on the organs; but they go to the head much

MACKENZIE, J.—cont.

quicker than old spirits, 8449-50. Have often seen smugglers making whisky. Believe it was the very slow distillation that caused deleterious element to pass off. It used to come in drops instead of rushing out like a torrent as in legal stills, 8451. Stills are nearly extinct. Have seen as good whisky brewed in low country woods as in Highland glens, 8452-4. Very difficult to convince people that it is wrong to break the law. Great many do not approve of the law. No retail shopkeepers should be on bench. Should be put into hands of sheriff or other neutral person, 8456. Police should be employed out of uniform. Such an arrangement might help. Things are much improved now. Magistrates used to be seen drinking in grocers' shops. Have seen magistrate's letter threatening head of police that if he did not keep his eyes shut when passing shop next town hall, he would lose his place. Police used to be tipped. Last superintendent showed me baskets of liquor and hams sent to him before licensing day. Everything should be done to make it as difficult as possible to evade the law, 8457-8.

MACQUEEN, REV. JOHN, FREE CHURCH MINISTER, DAVIOT:

Think present system of grocers' licences works injuriously. Two trades should be separated, 8549. Remarks apply to country districts particularly. Know quiet country district on which a grocer's licence was inflicted. It tended very much to mar enjoyment of the people and the quiet of the place. There are hootings and yellings at late hours. Nothing of that sort took place before. There was no publichouse. People had to go 4 miles for whisky. People never complained of want of facilities for getting drink. No one required such a thing. People complain now of servants often being off work with it. Am not aware whether liquor is consumed in shop or not. Policeman is often far away. Would be great boon if trades were separated. It is the drink that does the mischief; it is not required, 8550-8. Publichouse may be necessary in some districts, where people pass through, 8559. Parish of Daviot is large district. Shop referred to is only licensed grocer's in it; but there are two publichouses, 8560-1.

MACRAE, ALEXANDER EDWARD, M.D., PENICUIK:

Practised for some years in Penicuik, 2860. Declined to sign protest of medical men. Quite sufficient police supervision. Fictitious entries and secret drinking not known in Penicuik, 2862. Very little evasion, 2865. Hawking common, 2866. Inferior quality of whisky, serious consequences of, 2867. Grocers sell better drink than publicans, 2874. Adulteration, 2876. Drinking not increasing among upper and middle classes, 2879. Spirits not common article of diet among working classes, 2882. I seldom prescribe spirits, 2883. Grocers should close at 9 P.M., 2884.

MACROSTY, JAMES, PROVOST OF CRIEFF:

Crieff district comprises seven parishes, 6408. Licensing done by country magistrates. Total number in district is 41. Of which 12 are dealers. In two parishes no licences. Population of district, 12,032, of which 1266 in parishes where no licence, 6409. Till recently there were licences in both these parishes, 6410. The ratio in district is 1 licensed house to 293 people. At half yearly licensing, held 3 days ago, the magistrates all assented to suggestion, 'that groceries and liquors should not be sold on the same premises, and in any case one sealed quart bottle should be the minimum quantity of any liquor allowed to be sold by grocers.' Upwards of a dozen magistrates were present, 6411. See no reason why grocers should have advantages over any other trade. Formerly other trades had licences, and have been deprived of them, 6412. The system is bad, 6413. There should be three classes,—hotel keepers, publicans, and wine and spirit merchants. Publichouses should not sell to consume off premises, and with wine and spirit merchants there should be no consumption on the premises, 6415. This would not necessarily require a wine and spirit merchant to be in every country place, 6416. Magistrates have acted on the principle of limiting the number of licensed houses. In 1854 there were 64, now there are 41, 6420. One reason for separation of trades is to put all parties on an equal footing. One man should not be placed in a better position than another, 6421. Publichouses are evils, but must to a certain extent exist, 6424. One licence to 500 people is quite enough, 6428. Spirits sold are both adulterated and unwholesome from being too young, 6431. One application for grocer's licence by person who holds excise licence was refused this week. Consider it was a hard case, but refused it on the principle of keeping down the licences, and that there are enough at present, 6434-36.

MALCOLM, JOHN, SUPERINTENDENT OF POLICE, DUMFRIES:

Eleven years superintendent, 3886. Twenty hotels, 56 publichouses, and 21 grocers licensed in Dumfries, 3887. Average of 1 house to every 150 people, 3890. Number of houses has diminished of late years, 3891. The magistrates tried to reduce the numbers, 3894. They personally inspect premises on granting new licence, 3899. Some very extensive grocers in Dumfries are unlicensed, and have never asked for a licence, 3900-3904. There is no regular principle in granting, 3905. Forty-one drunk and incapables in 1866; 125 in 1876, 3907. In 1876, 447 males and 133 females drunk when arrested, 3908. Great number of licensed houses increases drunkenness, 3910. Some smaller grocers depend chiefly on the spirit trade, 3913. Don't think licensed grocers are excessive requirement, 3915. Other licensed houses are too numerous, 3917. Not much fault to find with the Dumfries grocers. Would abolish small provision dealers, 3923. Sale in open vessels is common, 3926. Would make age for young people getting drink both at publichouses and grocers extended to 16 as in England, 3929. Parties found in licensed houses during prohibited hours should be punished, 3930. Licensing should be in the hands of the sheriff, 3935. Local influence is sometimes brought to bear on magistrates, 3938. There is no hawking by grocers in Dumfries, 3941. They do not send out vans to the country, 3942.

MANN, GEORGE, LICENSED GROCER, DUNDEE:

Concur with Mr David Henderson, 7007. Would be very inconvenient for us to have to keep casks in the cellar or back premises. Should be allowed to keep them in front shop, 7007. It is easier of detection if in front shop, 7008. Customers come wishing jars filled, so having bottles filled would not do, 7012. Whisky improves better in the wood, and never improves after being put into glass or jars. Can never say how many jars may be required, 7015-16. Matters are now in such a position that no respectable man would risk evading the law, 7017. If legislature thought that casks should not be kept in front shop, would adapt ourselves to the circumstances, but it would be an inconvenience, 7019. Have no objection to spirits being kept in bond for 2 years, 7020.

MASSON, WILLIAM, PROVOST OF KINTORE:

Been provost 5 years, 8224. Population 600. Two hotels and 2 grocers licensed. Depend on country more than burgh for customers, 8225-6. Licences reduced now compared with 20 years ago, 8227. Am one of the licensed grocers and general merchant. Do not act in licensing court. Have been licensed since 1871, 8228-9. Have been no applications for grocers' licences. Two unlicensed grocers in burgh in a small way of business, 8230-2. We have no bye-laws, 8233. No sale in open vessels. Have bottles ready corked or sealed—two gills, pint and quart. Pint and quart are chiefly sealed. Don't sell in drama. Sometimes bring bottles for gills and half-gills, 8234-40. Think sealed bottles only would increase drunkenness, but not if in small bottles, 8241-2. Better liquor to be had at grocer's, 8243-4. It would be great inconvenience not to be allowed to send goods to customers. Farmers do not send for less than a quart at a time, 8245-50. Both licensed grocers shops in Kintore are large enough for place—the two largest shops in place, 8251-2. Age that spirit should be kept depends greatly on its quality. Six months is shortest time proof spirit should be kept. Not qualified to give opinion if they would be wholesome, 8253-6. Growing desire among respectable class to take spirits and wine from grocers. Have no objection to police supervision. Never allow drink to be consumed on the premises. People occasionally ask for it. Think grocers' licences ought to be increased rather than publichouses, 8257-59.

MATHIESON, KENNETH, PROVOST OF DUNFERMLINE:

Six years provost, 3161. Nine hotels, 31 publichouses, 53 licensed grocers in Dunfermline, 3162. Number reduced of late years, 3163. Estimated population, 16,600. One licensed house to 181 people. In 1871 1 to 153, 3164. Rental of premises, 23 under £10, 16 between £10 and £20, 3168. Magistrates are particular in enforcing law, 3170. Believe there is a great deal of drinking in grocer's shops, but difficulty is to enforce law in case of grocers, 3173. In licensing new houses we require separation of house and shop, 3174. Hours should be shortened. Should be fixed minimum rental, 3178. Would say £20 minimum for Dunfermline, 3180. Trades should be separated, 3184. Grocers not worse than publichouses in Sunday breaches, 3195. Sunday drinking invariably where house and shop are con-

MATHIESON, K.—cont.

nected, 3196. Fifteen convictions against grocers since 1868, 3197. Convictions not always followed by deprivation of licence, 3198. Many cases reported, but not tried from want of evidence, 3200. Never heard of our grocers hawking, 3201.

MATTHEW, PETER, MERCHANT, DUNDEE:

If time had permitted we could have had scores of witnesses in place of the few we have had. Have seen 2 shops not far from Market Place notoriously constantly breaking the law, and know personal friends who have greatly suffered from licensed grocers. Have had no personal experience of drinking myself. Have gone amongst working people for 6 or 8 years, and have met with some lamentable cases, 6800. Have been taking an active lead in the temperance movement, 6801-2. Grocers sell the drink and defy the police, and prevent convictions being got, 6803-5. Increased police supervision would not overcome the evil. Publichouses are breaking the law too. Publicans in Dundee are never prosecuted for making people drunk, 6806. Police cannot be everywhere at the same time. Wished a grocer to attend, but could not on account of nervousness. Thirty years in the trade. Will not take a licence. Wishes the trade put on its own footing. Keep it away, and more good will ensue than by making people abstainers. It is there that women learn to drink. Women go for tea and sugar, and he found that when he could not supply the drink he never saw them again, 6807. Believe that illegal proceedings still continue in grocers shops, 6808. Magistrates have lately been severe, and take away licence when a man is convicted. Publichouses have been reduced, consequently decrease of crime, 6809. Trades should be entirely separated. The grocer that should have been here said to me he had made no money by his trade, and sometimes even lost, owing to the licensed grocer selling his goods cheaper, as he has so much profit on the drink, 6810.

MEARNS, GEORGE, DEPUTY CHIEF CONSTABLE, PERTH-SHIRE:

Have not many cases of breach by licensed grocers reported to me, 6391. Have no doubt there are many not detected, 6392. Police frequently report so, 6394. Also with reference to publichouses, 6395. Breaches in publichouses are more easily detected than in grocers, 6396. Experience confirms what Sheriff Barclay heard from the late chief constable, 6397. Don't think my opinion is against grocers. They are no worse than publichouses, to which people would be driven if there were no licensed grocers, 6398-6400. There is more drunkenness where the number of licences is greater in proportion to the population, 6403. Breaches by publicans are much on a par in numbers with those by grocers, 6407.

MEARNS GEORGE, SUPERINTENDENT OF POLICE, BANFF:

Statistics of burgh. This year 10 publichouses and hotels, 7 grocers, and 1 brewery which holds dealer's licence, 7859. Licences have decreased one-third since 1855. That year there were 27, now 18, 7860. In 1872 7 grocers, 11 publichouses and hotels, and a porter and ale brewery. Last week new application was refused, 7861-3. Population 4080, 7864. There is no drinking on premises now. Shop and house being connected was great evil. Some of the magistrates think this objectionable, 7865-66. Have known boys and females get drink from grocers, take it outside, and drink it. Have known women get it who would be ashamed to go to a publichouse, 7867-70. Have had no trouble with grocers for past two years, 7874. Criminal offences have decreased good deal. Can't say what is cause. Expect it is same all over North of Scotland. 92 cases last year, while in 1854 there were 195, 7875-8. Should be no direct communication between house and shop. In almost every case against grocers since 1855 has been found that drink was consumed in dwelling house, 7879. 17 or 18 unlicensed grocers in Banff, but some are very small grocers, 7882.

MEIKLE, JAMES, LICENSED GROCER, COWDENBEATH:

Concur generally with Mr Fisher and Mr Blelloch, 1990. Ten and a half years licensed grocer, 1988. Gill limit would suit me better than pint, 1990. Consider it hardship to seal, 1993. Public analysts should be appointed, 2004. Two hotels, 2 publichouses, and 2 licensed grocers in Cowdenbeath, 2007. Don't consider licensed grocers encourage family drinking, 2008. Whisky should be two years old before used, 2015. Never personally sell under three years old, 2016.

MENZIES, WILLIAM, M.D., EDINBURGH:

Concur with Dr Miller, p. 34, 938.

MENZIES, JOHN, SUPERINTENDENT OF POLICE, NORTH Ayrshire :

Statistics of county. In 1876, 182 licensed grocers. Slight increase in grocers' licences in last five years, but hotels and publichouses reduced by 39, 4457. In 1871 ratio of licensed houses to population 1 to 239. In 1876, 1 to 275, 4458. Was once stationed at Dalry, a mining district. Licences pretty numerous there. Great amount of drunkenness, but could not connect it with an increase or decrease of licensed houses, 4465-67. Grocer's licences bad system. It affords opportunities to women to get spirits unknown to husbands, and in making fictitious entries, 4468. Have book here belonging to a miner with such in it, 4468-74. Great many evasions, very difficult to detect, 4476-79. Sunday-drinking common in all licensed houses, 4481-83. Justices have no fixed regulations; they judge each case on its own merits, 4484. There is disposition to keep down licences of all sorts, 4485. Not a practice to grant grocer's licence after refusing publichouse, 4488. Would be better if grocers' licences were abolished. Would like to see them better regulated, higher class of trader, and higher rent, sealed or closed vessels, 4489. They give liquor in open vessels, which are carried back again, 4490. Exigencies of working-people do not require grocers to be open after 8 P.M.; also earlier than 7 A.M., 4492.

MENZIES, GRAHAM, OF MESSRS MENZIES & Co., CALEDONIAN DISTILLERY, EDINBURGH :

We make large quantities of spirits, 8857. About three million gallons a year, 8858. Have large bonded stores, and are always adding to them. The demand for old whisky increasing, 8859-60. We store about one-third of annual production, 8863. Distil from malt at Paisley, and from grain at Edinburgh, 8864. We eliminate fusel oil from grain whisky. Produce specimen, 8865. There is always a certain quantity remains. To a considerable extent it is taken off by keeping, 8866-67. Other ingredients, ethers, are also taken off by keeping, 8867. All new spirits contain ethers and oils, 8870. Grain spirit to become entirely free requires long keeping, but is quite wholesome in twelve months. Malt whisky should be kept at least two years, 8871-2. A considerable quantity of spirits passes out from the still direct, not going into bond at all. Within a week of being distilled, 8873-7. Have seen patent processes for eliminating oil. Consider them good for nothing, 8878-81. Suppose prune wine is used to give flavour, 8882. Whisky that goes out at once duty paid goes out for immediate consumption, 8884-6. It goes out earlier than, in my opinion, it is wholesome, 8887. Do not agree with Mr Ford as to this, 8838. Suggestion to compel whisky to be kept a certain time is a good one, 8889. Fusel oil is a general term representing a number of oils, 8891-2. There is some trouble connected with eliminating fusel oil, and you can't entirely get rid of it, 8896. Spirit without the oil would be comparatively tasteless and flavourless, 8898. Don't think the rate charged by Government for storage rent is sufficiently high to prevent dealers keeping whisky long enough. We give rent free for twelve months, the dealers furnishing their own casks, and to some extent they avail themselves of this privilege, 8901-2. Think grain whisky is being used more than malt whisky, but of late years malt has been more in demand, 8905. Mr Ford's explanation of how people get suddenly drunk—namely, by drinking without taking any food—is, I think, a correct one, 8906. Not aware of any deleterious substances in whisky to cause such effect, 8907. Have heard of vitriol being put in it, but it would not produce rapid intoxication, 8908-10. Fusel oil sells for about 1s. 3d. a gallon. We burn it in our works. It has a horrible smell, 8911-12.

MILLAR, BAILIE, OF CUPAR :

Concur with Provost Welch-Tennent. Unlicensed grocers in Cupar sell groceries cheaper than the licensed grocers, 6483-90. Licensed grocers in Cupar do not charge exorbitant profit on liquor. People in better position prefer to deal where trades are combined, 6483. It is undoubtedly an advantage to have a licence, 6484. Profits arising from the trade are not exorbitant. Do not get licence to enable us to sell groceries cheaper, 6487. If trades were separated am not sure which I should choose. By having the two combined you can carry on the trade cheaper than if they were separated, 6494.

MILLER, A. G., M.D., EDINBURGH.

Present protest signed by 70 medical men, 55 of whom reside in Edinburgh and Leith, who protest against system on account of its injurious tendencies. The trade is removed from police supervision, and is direct incentive to secret drinking, interferes with treatment of habitual drunkards more than the publichouse trade. Protest on grounds moral and medical, and wish to have trade

MILLER, A. G.—cont.

separated, 900. Similar protest was circulated in England by the *Lancet*, and received 918 signatures, 900. The facilities afforded induce habitual drinking, 903. Supervision of grocers cannot be well brought about by grocers, 907. If grocers were put under careful restriction, it would be better for the community, 911. A woman with drink crave won't hesitate to go to a public-house, but seeing it in the grocer's shop is an inducement to buy it, 916. Drinking among the better classes is getting more common, especially among females, 924. It would be an improvement if no drink was allowed to be consumed across the counter in any shop, 928. Am a total abstainer, 929. But order drink professionally when necessary, 930. Objections to present system would be modified if police supervision was increased, 935. Medical men of my acquaintance prescribe less stimulant than they used to, 937.

MILLER, PETER H., LICENSED GROCER, BROUGHTY FERRY :

As representing Broughty Ferry trade in general, object to separation of the trades, 7159. Would be political wrong to do so. It is a recognised trade by law, 7160-62. The law might fairly be altered so as to prevent any new licences being granted to grocers. If present law was strictly enforced, irregularities would be a thing of the past, 7163. Having no casks in shop would be unworkable, 7165. Nothing should be put up to prevent clear view of shop, 7166. Never knew in long experience of a watch being placed for policemen, 7168. Cask suggestion is unworkable, from not knowing what orders may be received any one day, and so many different kinds of spirits must be kept, 7170-71. I have about a dozen kinds on draught, in constant demand, 7172-3. I have not cellarage for so many casks, 7177. If law compelled us, we would do best we could, but would not consider ourselves having ordinary facilities for carrying on business, 7178. It would not be a physical impossibility, 7179. Possession of licence is an advantage, and worth taking a little trouble to keep, 7180-1. Spirits should be kept two years in bond. Only parties who have served apprenticeship should be licensed, 7181. This would be an advantage both to trade and to public, 7182. General experience shows that they carry on the trade better than those not bred to it, 7187. Those not bred to it are generally understood to be the parties who break the law most, 7191-93. Would have every one who is a licensed grocer compelled to have a considerable part of his trade in groceries, 7194. Police complain of people who make spirit selling principal part of their business, 7200. We have no objection to greater police supervision than there is at present, 7201. As a rule licensed grocers do not sell to be consumed on the premises, 7203. Am aware it is done, but it has now been reduced to a narrow compass, 7204. Do not personally know any who do it, 7205-6. When a traveller have seen it done. At that time consumption on the premises went on to some extent, 7207. Would suggest that hours should be from 8 A.M. to 8 P.M., and 9 P.M. or so on Saturdays. We object as a body to sale of small quantities being prohibited. Don't object to corked bottles, 7209. I do considerable business in gills, half-gills, and two gills, 7210-13. Always sell in bottles. They are brought and we fill them, 7214-17. When I began business was sometimes asked to sell to be consumed on premises, but it has not happened for some time, 7218-19. In rare cases give credit by pass-books, 7223. Never knew of groceries being put down instead of spirits, 7225. There may be some who do it, 7228. See Questions 7229-30, and Mr David Thomson's evidence, 7231-34.

MITCHELL, JAMES, UNLICENSED GROCER, EDINBURGH:

Eleven years in business, 2040. Present memorial from 52 unlicensed grocers in Edinburgh in favour of separation of trades, on account of injustice to unlicensed grocer, and detrimental effect of present system to the moral well-being of the community. Licensed grocers frequently retail groceries at unremunerative prices. Many are spirit-merchants in disguise. System affords encouragement to secret drinking and obtaining drink on credit. Evasion is common. Trades would be more efficiently conducted by the creation of wine and spirit licences for consumption on premises, 2047. Never personally applied for licence on principle, 2048. People who signed memorial would not take a licence, 2054. Trades should be separated, 2057. Licensed grocers undersell unlicensed in proprietary articles, 2069. There are more failures among licensed than unlicensed grocers, 2067.

MITCHELL, DAVID, CLERK, BROUGHTY-FERRY:

Statistics of Broughty Ferry. 5000 of a population,
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MITCHELL, D.—*cont.*

1260 ratepayers of £5 rental and upwards. 26 licensed premises, of which 13 are grocers, giving 1 to every 98 of the householders. Taking whole 26, there is 1 licence for every 48 houses. Rentals of grocers vary from £16 to £49, 6549. In summer those houses supply a great many visitors. Rental criterion would have no effect in Broughty Ferry. A most respectable class of licensed grocers in Broughty Ferry, but still they are not all law-abiding, having seen breaches of consuming on the premises by two of the most respectable. Six years ago 33 licences in Broughty Ferry, 6550 to 6554. Of the grocers in Broughty Ferry five or six years since, have repeatedly seen drinking on premises in all except three, 6555-58. Very difficult to detect. Not a promiscuous trade, 6559. Previous to 1853 it was very unusual to see drunken women on the streets. Now it is very common. Ascribe this to the system of getting goods from the grocer on credit, 6560-62. Would not revive truck system, but would not allow grocers to supply drink in place of groceries, 6563-4. There is far more forenoon drinking now than 25 years since, and you find parties hanging about grocers' shops and not any more going into the publichouses, and would infer therefore that they get it at the grocers'. Out of the 20 or 30 grocers I visited, five or six years since, there was not one but what I could have convicted for selling drink on the premises. Have no reason to believe the trade is any better conducted now, 6564-66.

MOIR, WILLIAM, LICENSED GROCER, MONTROSE :

Generally concur with Mr Charles Durie. Have had licence for 30 years. Never made false entries. Only once asked to do so. Concur as to shortening of hours. Forbes M'Kenzie Act has done great deal for trade and community. If more power were given to police, Act would be sufficient. Hue and cry against grocers' licences has arisen from certain class in trade. Should be strictly watched, and licence should be withdrawn on its terms being violated. Evil would cure itself, 7757. Generally, so far as I know, law is kept in Montrose. Could point out some suspected places. Selling for consumption on premises is not done among respectable class. If it were kept in respectable hands, would not hear so much of breaches, 7758-63.

MORRIS, JAMES, M.D., DUNFERMLINE.

Twenty years in Dunfermline. Paid attention to effects of intemperance on health of people. Think intemperance rather diminishing. Intemperance among females is among lowest class, except on rare occasions, 2591. Always prefer to send to grocer for spirits, 2592. Would not object to spirit-dealers to sell not to be consumed on the premises, 2595. Would restrict to pint minimum, or gill at very least, in a closed vessel, 2603. Evasions by grocers used to be common; almost unknown now, 2615. To a certain extent grocers' licences have tended to increase intemperance, 2619.

MOSCRIP, JOHN, SUPERINTENDENT OF POLICE, KELSO :

38 licensed houses in Kelso, 24 of which grocers, 1377. About the same as ten years ago, 1379. Magistrates do not license new premises if they can help it, 1383. Some of our grocers subsist mainly by sale of spirits, 1385. Since 1871 have had nine convictions, 1388. Great many suspected cases we could not prosecute, 1390. Having doors and windows blinded hinders detection, 1393. £20 or £25 would be good minimum rent, 1396. Table of convictions for drunkenness 1871-1876 shews increase, 1409. Attribute increase to working class having more wages, 1413. Hawkers' carts are said to take spirits out on chance, 1417. One conviction for this. Difficult to detect, 1418. House and shop should be separate, 1420-1. Never could detect any treating of police, 1423. Licence is refused after two convictions, 1426. Sealed bottles would not cure the evil, 1420. Children should not be allowed to get liquor, 1431.

MUNGALL, JOHN, LICENSED GROCER, WEST CALDER :

Good deal of custom among working classes, 2302. Gill smallest quantity, 2304. Sell 120 gallons a month in small quantities, 2311. Liquor always been sold in our shop since 1818, 2315. Sell most on Saturday night, pay night, 2320. Separation would be hurtful to provision trade, 2325. Always enter spirits by proper name, 2331. Give credit to good customers, 2334. Quart limit would hurt my business, 2337. No objection to gill bottles, 2339. Have a cart to deliver ordered goods, 2346. Except for trouble, would not object to sealed bottle, 2350. Having no cask on tap in shop would be inconvenient, 2350. My premises are so fitted that it would be so, 2363.

MUNRO, WILLIAM, UNLICENSED GROCER, PERTH :

Present memorial signed by 26 unlicensed grocers in Perth, setting forth that the trades should be separated for the following among other reasons:—1st, Because in cases well known to the memorialists, licensed grocers are doing the trade of a publichouse; 2d, Because licensed grocers are able to undersell the unlicensed, from the profits on spirits; 3d, Owing to the two trades being joined, the minds of women and children become familiarised to the drink traffic, tipping habits have been acquired, and crime of every class has largely increased; 4th, Owing to the liquor traffic being dangerous, there has to be police supervision, and by the combination of the two trades facilities are given for evading such legislation, 6821. The 26 who sign the memorial are all the unlicensed grocers in Perth but 3. Two of those are licensed grocers, but have separate shops, the one with and the other without a licence. The other would have signed conditionally, and was to see him again but did not find time, 6822. One of the memorialists has tried three times to get a licence but failed, 6823. Have never tried for a licence, because I disapprove of it, 6826-27. Have been 13 years in present shop, and have fairish family business, 6828-29. Can give cases of those grocers who are doing a publichouse trade, 6831. There is one shop which is solely kept up for the sale of drink. Have seen working men going into it in twos and threes, and come out as if they had had refreshment. Have heard them say, 'We are going in to get one,' 6832-36. Know of another shop where the same thing is done, 6837. The profit on ordinary groceries runs from 7½ to 10 per cent., 6839. Estimate the profit on spirits from 20 to 25 per cent., besides the profit of the wholesale dealer, 6841-44. Have a little experience of customers preferring to go to where they can get liquor and provisions together; give an instance of a family, 6845-49. Have seen breaches of the law in superior class grocers' shops, having been taken in and treated at them, 6850. The drink was paid for and consumed in the shop. It could not have very well been seen from the outside, on account of obscured glass in the door and goods in the window, 6851-56. Superintendent Welsh has told me that it is impossible to obtain convictions against the grocers that I have suspicions of. Have been told by commercial travellers, and those who sign the memorial and who were previously engaged in the spirit trade, that breaches are very common. Give in letter from gentleman who is a commission agent, in which he says he is ready to give evidence that he had consumed liquor on grocers' premises, 6858-61. Treating of customers in grocers' shops is also a common practice, on paying accounts, or when giving orders. Know of cases. It is done by those in a middling way, and they are respectable people who are treated, 6862-68. Railway servants, carters, &c., are treated. Little children go to grocers' shops for spirits, which are carried home in baskets, &c., so that it cannot be seen. Know girl who does that, and then comes to my shop for provisions. It is a small quantity she gets, 6869-72. Would not deprive grocer of licence, but give him the option of keeping the licence if he chose to drop his other business, 6873. An Act was passed a good many years ago separating the publichouse from grocer's shop. It prevented publican selling groceries, which was common in country districts. There would be no more injustice in separating the grocery and spirit trades. Trades ought to be separated, and free to inspection of police, 6874-78.

MUNRO, ANDREW, SHOEMAKER, ABERDEEN :

Have had attention directed to way licensed grocers conduct business for last five or six years, and consider they exercise most demoralising influence on community. See two licensed grocers' shops from my shop window; and see men and women passing out and in, purchasing drink and consuming it on premises. Have seen some getting whisky in tea-cup, and drinking it in an entry. Perhaps people would go in for drink twenty or thirty times a day. Have seen children get whisky to carry home. Grocer often draws cork, and children will have a sip on way home. All this takes place and police looking on. Can easily be bribed. Don't know a shop, except one from Union Street northward, where this conduct is not carried on. Great need exists for separation of trades, 7956. Police are powerless to prevent drinking in shops. They have no witnesses. Would be disagreeable to go into court to give evidence against my neighbours, 7957-68. Passing grocer's one evening two years ago, saw grocer slip out bottle of whisky to policeman. One cannot pass by shop without seeing drinking, 7959. Saw drinking on premises as I came here to-day. Saw it twice yesterday, 7960-61. Shops were neither highest nor lowest. Rents would be from £15 to £20. Some

MUNRO, A.—*cont.*

them tolerably respectable. Have seen drinking where shops are much higher rented, 7962. Have seen farmers or people of that description, and people of lowest description going out and in to these shops. Believe great many respectable people go into these shops that would not go into publichouses, 7963. Object to trade in liquor altogether. It is an evil from top to bottom, 7964.

MUNRO, DONALD, CHIEF CONSTABLE OF ROSS AND CROMARTY:

Have charge of both counties under different appointments, 8281. Grocers' licences have increased from 27 in 1867 to 30 in 1877, 8283. Population of Ross, 79,853; 130 hotels, inns, and publichouses, 8284-85. Tendency of justices is to diminish number of licences, 8287. Are not many licensed grocers in landward part of county, 8288. Number of convictions for last 10 years is 13. There are many breaches not detected, 8290-91. All burghs of county are under me, 8292. There is a great deal of drinking on premises, but find it very difficult to detect breaches, 8293-94. Those who hold licence all sell groceries or something, 8297. All premises should be subject to inspection at all times, and minimum penalty should be increased, 8298-99. On second conviction licence should be forfeited. Would then be able to enforce law. Penalty should be made applicable to first and second offence. Have convicted grocers twice, and that without licence being taken from them. They may do it before third offence, but it is not done as a rule, 8300-3. There is an idea that better drink is got at grocers'. Cannot speak to the sale of raw whisky, 8304-6. Think that removal of obstructions from doors and windows of grocers' shops, the extension of constables' powers, and imposition of higher penalty, would help matter much. Law as to shebeens should be extended to grocers, 8307-8. Do not think separation of trades advisable. Neither trade would pay so well separated, 8309-12. The 30 grocers have a very fair business; all in country villages, 8313-14. Do not know of working people's wives and families getting drink from grocer unknown to their husbands in Ross-shire, 8315. Don't think people think it more respectable to go to grocer's than to publichouse, 8316. Grocer's licence might be much required in places as those called townships on west coast. There, owing to absence of means of getting drink legitimately, there are shebeens, and police have more trouble with these districts, 8318. Licensed grocers are better means of meeting that demand than publichouses, 8319. In some villages respectable grocer's shop might be good thing, 8320-27. Twenty-one arrests for drunk and incapable in 1876. Number only applies to towns, greater number of which occurred in Dingwall, Stornoway, and Tain. In rural districts cannot take them far to imprison them, 8328. In this case, figures apply to Ross alone, 8329. Eight licensed grocers in Tain, 4 in Stornoway, and 9 in Dingwall, 8330. In Cromarty, 9 hotels, inns, and publichouses; and 6 licensed grocers. Grocers are all in town itself, except one. Same remarks I have given as to Ross would also apply to Cromarty, 8331-33. Rent has not much to do with this question. Man in small way may keep as respectable a house as one paying a very high rent, 8334. If they are unduly multiplied, competition becomes keen, and men are tempted to break law. Publichouses are the most troublesome for police, as people gather together there and quarrel, 8335-36.

MURDOCH, REV. ALEXANDER D.:

Minister, All Saints' Episcopal Chapel, Edinburgh, 1348. Have worked in poorer parts of Edinburgh, 1350. Fictitious entries common, 1351. Home drinking on increase, especially among women, 1355-56. Grocery shop and spirit shop separated would be better, 1363. Would like more supervision, 1371. Also sealed bottles, 1372. Grocers should keep file of entries, as drapers do, 1374. Evidence of fictitious entries would be more easily procured. 1374.

MURDOCH, JOHN, EDITOR OF THE 'HIGHLANDER' NEWSPAPER:

Thirty-four years in the Excise. Strength of spirits depends on success of manufacturer in separating it from the other liquid that goes off in vapour. The process by which they obtain very strong spirit is one which almost insures the absence of anything but spirit, 8644-46. Left the Excise five years ago, 8647. Some whisky kept a very long time, some very short time, 8649. Certain distillers keep it longer than others, 8650. Blending may take place in bonded stores, 8655. Mixing with foreign spirits also, 8656. Positive adulteration is more likely to be done by retailer or dealer, but it is almost out of the question in the warehouses, 8657. Am very

MURDOCH, J.—*cont.*

dubious about adulteration. Have heard of adulteration by vitriol, but am not sure of the fact, 8659. Don't remember of any case where adulteration was established by evidence, 8662. Quite possible that methylated spirits are added to whisky. Have heard that said, 8665. Magistrates are trammelled by a misinterpretation of the Act of Parliament. They ought to think of interests of public rather than those of the applicants. They are hampered when on the bench, and when it seems desirable to reduce a licence they say we are not at liberty to take it away, unless certain offences are committed. It should be made clear that the magistrates may reduce the number whenever they see fit without regarding whether the party has conducted himself well or ill, 8666.

MURRAY, GEORGE, LICENSED GROCER, EDINBURGH:

Member of Licensed Grocers' Association of Edinburgh, 2441. I speak on behalf of Association, 2442; which includes fully three-fourths of the licensed grocers in Edinburgh, 2443. Utterly impossible in large business to work without cask in shop. Require to have them there to show customers the different kinds. Beyond this objection it would be a temptation to the cellarmen, who with the casks in shop are always in view. Business is in larger quantities, by gallons. If this idea carried out would be obliged to sell by dozens of bottles. Have little demand for small quantities, 2444. Sealed bottles would be no obstacle to my trade, 2445. Sometimes seal the bottles and sometimes use stamped corks, 2447. Price of whisky stated by Mr M'Laren not correct, 2449. Object to police supervision, 2450. Know of silk mercers treating, 2451. Giving liquor prohibited, 2457. Consumption of spirits per head in Scotland. Consumption of spirits per head in England. Increase in both countries. If only from grocers' shops increase arose, it would not do so in England. Spirits sent to England credited to consumption in Scotland, 2461-71. Certificate not required under wholesale licence, 2472. Two gallons minimum under wholesale licence, 2473. Object to division of business into two shops, 2478. Most large grocers in Edinburgh have licence, 2479. Apprenticeship to trade should be obligatory, 2480. Object to necessity of annual renewal of certificate, 2481. Evidence of Mr Salmond referred to, 2483. Licensed grocers may sell some specific article cheaper, 2486. Sealed bottles would lead to off-put of time and labour, 2489. Branding of cork would require screw to open bottle, 2527. Payment of wages on Friday not universal, 2536. Association unanimous as to hours being 8 A.M. to 8 P.M., and 10 P.M. on Saturdays, 2527.

MURRAY, DAVID, PROVOST OF PAISLEY:

Returns of burgh. In 1854, 58 licensed grocers; in 1877, 41 licensed grocers, 3945. Numbers much the same now as before 1854, 3947. Population about 50,865, 3948. 1 licensed house to every 226 people, 3950. The almost total refusal to grant licences for some years has led to large sums being paid for good will. Monopoly is thus created. Sums paid for good will should go to the public, 3951. A good many licences have been refused to grocers, 3953. A good many large grocers do not hold licence, have never applied for one, 3954. Many smaller grocers could scarcely exist without licence, 3956. It would be an improvement if legislature fixed numbers and sold to highest bidder, 3958. Principal objection to grocers' licences is the facility afforded women to get drink under another name, 3959. In Paisley there is a good deal of money lending to working classes, 3961. If sale of liquor not to be consumed on the premises were made a separate trade the number of houses would be lessened, 3962. Many grocers conduct business respectably, 3964. Would prefer sealed bottles and would establish coffee-houses for working men, 3966. Believe allegation that grocers sell before publichouse is open to be groundless, 3967. Magistrates have for some years insisted on spirit-dealers living away from the shop, 3973. This applies to both grocers and publicans, 3975. Almost all the cases of Sunday breaches arise from where house and shop are connected, 3976. Many small grocers seem to subsist by sale of spirits only, 3977. These shops are very low rental, 3978.

MURRAY, WILLIAM, CHIEF CONSTABLE OF THE COUNTY OF INVERNESS-SHIRE.

20 licensed grocers and 131 licensed houses altogether in county. Population outside burgh of Inverness 73,062, 8501-3. Grocers are scattered throughout county, 8504. Have always thought grocer's licence an advantage, 8605. Houses are generally respectably conducted. Do not know of drink being taken in grocers' shops. There may be some. Had once two complaints, and both parties were convicted and lost their licence, 8506-8. Grocers shops are connected with dwelling-house, but generally by outside door, 8515. There is tendency among justices

MURRAY, W.—cont

to decrease number of licences, 8517. Grocers' licences are great convenience to people living in country places. Where there are no such facilities there is tendency to institute shebeens. In certain parts shebeens are increasing. We have endeavoured to put them down, but it is a difficult matter. Constable becomes known, and the people watch for him, 8518-20. There were good many convictions for illicit distillation at one time, but it has been [very much put down, 8521. Shebeens sell small quantities, 8522. Am given to understand that the newer whisky is the better the publicans like it, as it stands the larger quantity of water, and thereby gives larger profit, 8523.

N.**NEILL, HUGH R., LICENSED GROCER, GREENOCK.**

Mine is a west-end family business. Concur with Mr Ivie Scott as to hours. Restriction to quart bottle would not make much difference to me but would to the trade generally, and would be an inconvenience to the public. The hours of all licensed houses should be restricted. Licensed grocers sell better class of spirits than publicans, 5437. Prohibiting cask to be in shop would be great inconvenience to the trade, 5442. And apart from inconvenience, don't think it would be any improvement, 5443.

NISBET, JOHN, SHOEMAKER, EDINBURGH :

Lived in Causewayside 7 years, 3320. Saw many evasions when there, 3321. Have seen women getting drunk on Sunday. My message boy got drink at grocer's shop, 3325. Drinking amongst children common, 3332. Drunkenness in old town very prevalent at present, 3334. Many working men are of opinion that trades should be separated, 3343. On account of facilities given to women, 3344. Personally I would abolish all licences, 3349. Grocer's licence more pernicious than publican, 3351. From 15,000 to 20,000 total abstainers in Edinburgh, 3353.

NORMAND, JAMES, RETIRED SHIPMASTER, NEWHAVEN :

Ten grocers in locality. Would only call 2 respectable, 3497. Evasions of law are known to me in other places, 3498. Less drunkenness in Newhaven now than formerly, 3499. Grocers' shops convenient for fishermen, 3502. They should be better regulated, 3503.

O.**OGILVIE, GEORGE, LICENSED GROCER, GLASGOW :**

President of Glasgow and West of Scotland Grocers Association, 5488. Statement.—We disapprove of quart minimum. Selling in small quantities preferable. Eight A.M.—8 P.M. long enough hours, 5489. Party holding grocer's licence should sell groceries, 5490. If they don't sell groceries, should not be called grocers, 5491. A man should be either spirit-dealer or grocer, 5493. Trade of spirit-dealer just as respectable as that of grocer, 5494. Forty or 50 of the 247 licensed grocers in Glasgow are not grocers at all. They never sell any groceries. Spirits should lie at least two years in bond. Some people say one. After that time they are comparatively harmless. Would urge thorough enforcement of present law, 5496. Would give police full power of entry, 5497. Nearly 200 members in our association which embraces Glasgow and West of Scotland, 5498. Members chiefly belong to Glasgow. Are on most friendly terms with unlicensed grocers—so unlike Edinburgh. No unlicensed grocer says we undersell them, 5499. Greater number of grocer trade don't wish licences, 5500. Would take away licence on second conviction for breach, 5503-4. The larger the premises the better, 5506. It is a trade that ought to be in responsible hands, 5507.

ORKNEY, PROVOST OF ROTHESAY :

Seven hotels, 23 publichouses and 19 grocers licensed in burgh. The holder of one grocer's licence does not sell groceries, only spirits, 4799. This is an increase of 3 over the number in 1867, 4800. The magistrates are keeping down numbers as much as they can, 4801. About the same number of licensed as unlicensed grocers, 4803. Magistrates have rather favoured grocers' licences than publichouse licences, but the feeling is rather to keep them down and not increase them, 4804-5. It is an advantage to a grocer to sell both kinds of commodities, 4806-9. As a rule respectable grocers having suitable premises have got the licence when applied for, 4810. Within last 5 years some licensed grocers' shops have changed hands; the price paid for good-will has been very little beyond value of stock, 4815-16. In cases where sales of premises are effected would allow merchant to

ORKNEY, PROVOST.—cont.

get a little for the good-will, but principal part of bonus should go to police or poor rates, 4819. Four licensed grocers convicted in last 8 years, 4821. There is not much irregularity which is not detected. The grocers who hold licence are all respectable, 4822. Would not restrict quantity, 4824. Don't know anything to justify statement that temptation is offered to women by the sale in grocers' shops, 4826. In place like Rothesay with large number of summer visitors, great convenience to have grocers' licences, 4827 to 4834. In country districts some grocers sell bread for convenience of customers, 4835-38. Would not approve of small and poor places being licensed. The premises, and party should be respectable. Would leave it to discretion of magistrates to judge of this and also as to value, 4840. Magistrates make a rule of inspecting premises before licensing, 4842. £10 rental would be too low in Rothesay, 4844. Fictitious entries should be punished as breach of certificate; existing laws should be strictly enforced, 4845. Present punishment for drunk and incapable should be increased, particularly second and third offences, 4847-4848. That class of people generally drink in publichouses. Would be great improvement if Sunday steamers were stopped, 4849. Would approve of a third certificate for spirits and wine, only not to be consumed on the premises. We have in Rothesay 1 house of that kind, 4851. Commissioners or magistrates under Police Act should have some control over licences within their district, 4853.

ORMISTON, JOHN W., MANAGER SHOTTS IRON COMPANY:

Nineteen years manager at Shotts; before that with Merry and Cunningham in Ayrshire. Shotts Company employ 2000-2500 men; from 600-800 here. Two hotels and 2 publichouses in Stane close to the works. One hotel at Shotts station. Within radius of mile of Shotts works, two licensed grocers both held by Shotts Company for their stores. Grocer's licence good thing from social stand-point. Grocer sells better liquor. Men can't sit down and drink in grocers' shops. At our store it would not be permitted. Don't think practice exists of consumption on grocers' premises. During 35 years' experience, fictitious entries have never come under my observation, 5778. Now, speaking of shops under my control, limitation to quart bottle would be of no avail. Large proportion of drink sold by grocers is in small quantities, frequently for medicine. There may be difficulties in working the law, but not greater than in other matters of police, 5779. Company practically are licensed grocers, and don't wish trades separated, 5781-2. Good amount of spirits sold at store, 5821. Average money value of wine and spirits sold for 8 years, £2287, 5822. Great deal in small quantities from $\frac{1}{2}$ gill upwards, 5823. Very often in tea cup. Most of wine and brandy is sold for medicine, 5824. During 1873 and 1874, the time of high wages, increase of consumption, 5825. Taking 1870 as normal year and calling it 1, percentage of increase was, 1873, 1.74; 1874, 2.17 (this was highest year); 1875, 1.72; 1876, 1.378, 1877 for year ending 30th June, 1.326. Wages in 1877 almost the same as in 1870, 5826-29. Taking 1870 again at 1, percentages of consumption of butcher meat, 1873, 1.597; 1874, 1.528; 1875, 1.576; 1876, 1.406; 1877, 1.339. Meal and flour, 1873, 1.164; 1874, 1.124; 1875, 1.137; 1876, 1.001; 1877, 1.001, 5831. Have not tabulated groceries, 5832. Co-operative store at Stane is accessible to our men, but think it has no licence, 5833-35.

ORR, CAPTAIN OF POLICE, GREENOCK :

Have been one year in present office, 4231. Nine hotels, 193 publichouses, 39 licensed grocers in Greenock, 4223. Increase of 14 grocers in ten or twelve years, 4234. Magistrates give as few new licences as possible, 4236. They object to grant grocers' licences except in special cases, 4238. They consider grocers' licences offer too great facilities to women, 4242. Tasting in wholesale shops not against spirit of law, but may be against letter, 4247. Price of goodwill of publichouses has increased enormously owing to restrictions in granting licences, 4252. Have not many instances of grocers in large business transferring their licences. Most of the Greenock businesses are old and well conducted, 4255. During the twelve months I have been in Greenock have not found a single case of evasion I could prosecute, 4258. Would be quite possible to exercise same supervision over licensed grocers as over publichouse, 4261. Visited all licensed grocers' houses in Greenock this week without giving warning. Found no signs of drinking going on, 4258. Only three objectionable licensed grocers in Greenock; they live on the premises, 4265. Minimum rent of £25, 4266. Know of no cases of fictitious entries,

ORR, CAPTAIN.—*cont.*

4267. Licences should be few and to large houses, the law stringent, penalty for violation heavy, 4268. Would rather impose these restrictions than separate the trades, 4270. Hours should be 8 A.M. to 8 P.M.; 10 P.M. on Saturdays. No sale in open vessels, and sale should be in sealed bottles of half-pint, pint, and quart, 4271. So sealed that cork could not be extracted without its being known. Unlicensed grocers are to licensed grocers in proportion of 10 to 1, 4278. If licences were taken away profits of those under £25 rental would be much smaller, 4281. They do more by selling liquor than by dealing in groceries, 4282; and are situated in the poorer parts of the town, 4283. Do not believe that the police are treated. Children under fourteen should not be allowed to enter publichouses unless accompanied by grown-up person, nor should they be allowed to act as messengers, 4284.

ORR, WILLIAM, IRVINE :

Was for four years a magistrate of Irvine; was a baillie. Am in the grain trade, 5207-10. Am here to represent the Irvine and Halfway Licensed Grocers' Association. Was asked by them to give evidence, 5211-12. Separation of trades would not be productive of good, 5213. Good many both licensed and unlicensed grocers in Irvine, 5217-18. Licensed grocers have largest share of the trade, 5219. Have heard of cases of fictitious entry; never had any before me, 5220. Considering size of place, have had a good many cases of breach, 5222-23. About 40-50 licensed grocers in Irvine, 5226. When magistrate only 4 convictions, in one case followed by forfeiture of licence, 5227-29. Evil of publichouse is sitting down and drinking, 5231. It is almost invariably wives who purchase at grocer's shop, 5233. This may give them facilities, but evils of publichouse are greater, 5234. No experience of such facilities leading to intemperate habits, 5238. Drinking has not increased among women, 5239. Restriction to pint or quart won't mitigate the evil, 5240. It would lead to more home drinking, 5241. Have heard of gambling in grocers' backshops, but never had a conviction, 5246-47. Approve of increased power to police, and restriction of hours of all licensed houses, 5250. 8 A.M.-8 P.M. should be the hours. Would be hardship to make it 10 A.M., 5251-54.

ORR, ROBERT, LICENSED GROCER, LARGS :

Seven licensed grocers, 4 hotels, and 10 publichouses in Largs. Fluctuating population; large increase in summer. Have been licensed nearly 26 years, 5412. Was a fisherman. Learnt the trade after I got licence, 5414-16. Never asked to make fictitious entries, 5419. Am quite willing to have only sealed bottles in shop, and cask in backshop. There would be a difficulty as to requiring casks in cellar, 5420. It would be an improvement to trade to have whisky not less than one year in bond, 5425. Concur with Mr Heron's statement, 5420.

OSBORNE, ALEXANDER, TREASURER OF THE CITY OF GLASGOW :

My trade has given me much experience of grocery business, 4746. Am wholesale provision merchant. Don't believe it to be the rule or even exception to supply wives with liquor unknown to their husbands. Believe grocers' licences do less evil than publichouses. The public, as a public, don't complain of them. Agree generally with Lord Provost Bain's evidence, 4748. Consider the large proportion of grocers to publichouses, as is the case in Edinburgh, to be an advantage. Would be glad if it were the same in Glasgow, 4752. The Irish law as to drinking outside premises should be introduced into Scotland, 4754-5. The prosecutor must prove that the grocer was aware of its being drunk outside, 4756. Can't see any advantage in restricting to sealed bottles, 4753-9. Believe sale in open vessels and small quantities occurs more frequently in publichouses than in grocer's shops, 4760. Women send children as readily to publichouse as to grocer, 4766. When a magistrate we prohibited backdoors to publichouses, 4768. It would be an improvement not to allow children to get drink even as messengers, 4771.

P.

PATERSON, GEORGE, CITY MISSIONARY, EDINBURGH :

Signed memorial on p. 17, 1101. Up to last Whitsunday lived opposite two licensed grocers, 1112. Saw drinking there in morning, 1114. Was in coal trade, 1116. Men in my employment used to get drink early, 1116. Have seen it recently in my district in old town, 1140.

PATERSON, WM., SECRETARY TO JOINERS' ASSOCIATION :

Headquarters in Glasgow. 105 branches in the country. It is a trade society, not registered. We have friendly objects, such as sick, funeral, and superannuation benefits, 5550-51. Payments are not as to savings bank, but for special purposes, 5554. 8658 members

PATERSON, WM.—*cont.*

5555. The habit of working men saving money is increasing, 5557. Increase of drinking among respectable class of working men very small, 5558. Members of our society who have to certain extent given way to drinking habits never attain to any position in association, 5559. We are second highest paid class in the building trade, 5561. Will not venture to express opinion of association, but own opinion is that system of grocers' licences is very liable to abuse, 5562-63. One shop I knew got a licence. The glass in shop doors was immediately obscured. Frequently saw drinking going on in it, 5564-65. Police could have seen this easily, 5567. Have known of working men's wives acquiring drinking habits, but can't say whether at grocer's or publichouse. My experience chiefly relates to Edinburgh, 5569-70. Disadvantages of junction of the trades are much greater than the advantages, 5571. The habit of working men drinking beer for dinner is increasing, but not to any extent, 5574. Have been an abstainer all my life, 5579.

PENTLAND, BAILIE, OF LEITH :

Ten years magistrate, 2940. Employ 50 to 80 hands, 2942. Am in favour of present law. Spirit-dealer to sell not to be consumed on the premises would be as satisfactory as grocer, 2945. Leith magistrates in licensing, always look to character of individual, and if he has been bred to the trade. If satisfied we inspect the premises, and if they also are suitable, and the locality requires it, we grant, 2948-49. Don't know that the constables are treated, 2957. Sale in open vessels the exception, 2958. Back doors not allowed, 2958. Parties may not live on premises, 2958. Should be no restriction of quantity, 2959. My colleagues concur with me. My workmen unanimously in favour of grocers, 2959. Hours should be shortened in evening, 2960.

PICKEN, ALEXANDER, CITY MISSIONARY :

Signed memorial presented by Mr Turner, p. 17, 1101. Have seen men drinking in grocers' shops in early morning, 1106. Have been police missionary for five years, 1142. Libel to say the police get treated, 1142. Have seen children supplied, 1136.

PIRIE, REV. JOHN, COWGATE FREE CHURCH :

To improve Cowgate all houses should be swept away, 1334. Have heard it said grocers encourage female drinking, 1937. Nothing to choose between grocer and publichouse, 1939. As a class believe grocers to be respectable, 1939.

PIRIE, ALEXANDER, COMMERCIAL HOTEL, BRECHIN :

Have hotel licence in Brechin, had formerly one in Aberdeen, 7546. If grocers were stopped selling liquor in small quantities, public would either go to hotel, publichouse, or chemist's shop, which in our town are licensed. Class of drinking which has not yet been noticed, viz., by small quantities of liquor in bottles got from publichouses, and drank after they are shut, 7547. Flasks were introduced by grocers, and are fostered by them, but publichouse keepers and innkeepers have to supply them too, simply in self defence, 7549. Have lot of working classes in on Saturday nights, 7550. When it is law that publicans and innkeepers are to sell liquor to be consumed on premises, and grocers restricted to quantity, say quart bottle, that style of drinking is stopped, 7551. Would prohibit selling of liquor by grocers except for consumption off the premises, so that our trade might be respectably conducted. Our trade would go in for being prohibited from selling drink to be consumed off the premises, 7552-3-4. Don't sell large quantity of whisky on Saturday nights to be taken away, 7555. Large quantities of foreign spirits are imported and used for mixing, so, for ought I know, I may be selling a deleterious whisky, although paying 15s. per gallon for it, 7557. Fusel oil is present in greater abundance in raw grain, and in potato and beet whisky. Spirit from properly malted grain may be considered matured when two years old, 7560. My statement as to mixing is only on newspaper information, 7561. Government should have spirits exposed for sale analysed, 7562. Excise give every facility for mixing foreign spirits in bond. A 'traveller' from Leith said the wholesale dealers did this, 7566. Effects of drinking impure spirit is to produce coma, 7569. Have seen sudden drunkenness produced by drinking a small quantity of spirit, 7571.

PIRIE, JAMES, CHIEF CONSTABLE OF THE COUNTY OF ELGIN :

Population of county, exclusive of royal burgh of Elgin, but inclusive of Forres, 32,313, 8459. In county alone 26 hotels, 18 publichouses, and 46 licensed grocers, being total of 90, or 1 licensed house to every 359 of population. That is decrease compared with late years, 8460-1. In

PIRIE, J.—*cont.*

1871, 71 licensed grocers and 60 publichouses and hotels, including Forres. In county alone, 57 licensed grocers and 49 hotels and publichouses. Some holders have died and no renewals asked, and good many lost licences through breaches of certificates, 8462-3. 19 convictions against licensed grocers, and 12 against publicans in last 10 years. 8 of these lost certificate, 8464-5. Most of the deprivations were after first conviction, 8466. 10 or 12 certificates have been refused within last 5 years. Justices are trying to keep down number, 8467-8. Present system is injurious. It encourages great deal of drinking. In county most grocers live on the premises, great facilities for drinking. Always a difficulty in proving convictions, 8469-70. Suspect many houses of allowing drink to be consumed on premises, 8471. Selling in open vessels is done to some extent, but it is not common. They will get liquor in gill measure and drink it outside and give it back to grocer, 8472-5. Grocers do not open before 8 or keep open after 11 for general business, 8476-8. They are principally in villages but also in landward parts, 8479. The greater the number there is always the more drinking and irregularities, 8482. There are many more licensed grocers now than could live by sale of groceries alone. In 1876, 57 licensed and 221 unlicensed grocers. Most of them carry on general business, 8483-4. There should be no communication between house and shop, 8485. Sealed bottles would be improvement, 8486. Remarks do not refer to burgh of Elgin, 8487-9. Some 45 licensed grocers in Elgin, and great number of publichouses and hotels. Understand there is a licensed house for every 106 inhabitants. Good many villages surround Elgin, and possibly inhabitants of them do great deal of business in Elgin, 8490-1. There are 9 licensed grocers in Forres, 6 of them have dwelling-houses attached to shops, 8493-4. Magistrates have greatly reduced licences of late years. In 1873, 15 licensed grocers, now only 9, 8495. Do not know of women getting drink on sly from grocers. Have had no cases of fictitious entries, 8496-99. Trades should be separated in towns at all events, 8500.

POPE, WILLIAM, DETECTIVE OFFICER IN THE ABERDEEN POLICE:

Have been so for 11 years. Part of daily duty is to watch licensed houses. Impossible to see, for windows and doors are so obscured. Believe drinking in grocer's shops is of common occurrence, because see people of drinking habits going in and out of them. Never report unless see them in act of drinking. Very difficult to do. Am quite well known to them though in plain clothes. Never see drunkenness in upper class of shops. Would recommend curtailed hours. Sometimes are open up to 12 and 1 o'clock [on Saturday nights and Sunday mornings. Open 1 or 2 hours before publican. Believe they open for drink. Interior of shop should be visible from outside. In lower localities some shops have not much to depend on except drink. Refusing it would lose custom. Publicans are not so much to be complained of. Breach by them easier to detect. Have had convictions for Sunday drinking against hotels, publicans, and grocers. People often tell us they have seen it, but refuse to assist in giving evidence. Particular with shebeens. Have seen women drinking in grocers' shops, and have reported grocers for drinking with women only. Most of evil is done in small houses, and worst cases are late at night. Would be good thing if no cask on tap were allowed in shop, 8074.

PORTER, ALEXANDER, DEPUTY CHIEF CONSTABLE OF ROXBURGH:

Fifteen years in present rank in police force, 2097. Table of licensed houses in county, 31 grocers at present, 2099. Has been gradual diminution, 2100. This attained by weeding out objectionable tenants or houses, 2102. Number of convictions, 2103. Principal breaches, are selling on premises and on Sundays, 2104. Law frequently evaded by smaller grocers, 2105. Police should have same power as with publichouses, 2114. Material increase of late years in drunkenness, 2118. Tables for last 13 years showing this, 2119. Travelling carts common, 2122. Believe they commit breaches, 2123. Occasionally grocer trade subordinate to spirit, 2130. Justices refuse licence after third conviction, 2136-7. No regulation as to back accesses, 2140. Section 14 of 1862 Act as to weekly reports of houses from which drunk people come out not generally acted upon, 2142-43. Very difficult to get convictions for vans hawking. 2148. Trades should be separated, 2150. Because in country districts grocery trade subordinate. It affords undue temptation. The practice of hawking is injurious. Induces Sunday trading, 2150.

PROVAN, JOHN, LICENSED GROCER, GLASGOW. See MR OGILVY.

R

RAE, THOMAS, LICENSED GROCER, WEST CALDER:

Concur with Mr Cowbrough and James Wright, 1836. Hardship not opening till 8, 1836. Travelling vans have to start before 8, 1836. Use discretion in sale. Don't sell to those we can't trust, 1844. Have had whisky struck off disputed bill, 1849. Object to quart limit, 1848. Don't object to gill bottle corked, 1851. Have always thought it necessary to sell in corked bottles, 1850. Sales in 1871, 1600 gallons, 1854. About half in small quantities, 1855.

RAEBURN, CHARLES, LICENSED GROCER, BANFF:

Would be great hardship to grocers in provincial town such as Banff, to be restricted to quart or pint minimum. Majority of sales are from bottle downwards, very seldom exceeding a gallon. Wholesale spirit dealers call on private families and sell from 2 gallons upwards to them. Distillers in most of northern counties have no hesitation in selling to families, 7883. Sell to respectable families as well as working men. Three-fourths of wines and brandies I have sold in small quantities, would say were for medicinal purposes, generally are gills and 2 gills, 7884-5. Usually have bottles filled, but gills we have to fill when it comes in, 7886. Rent is £21. You must have back door to take in casks of sugar, &c. Have no objection to shut up connection with house. Repeatedly refused to supply liquor in open vessels. Never allow bottle to go out of shop uncorked, 7887. It would be extra trouble to keep spirits in bottles of different sizes corked and ready for sale. Would be hard in case where, poor people are unable to buy a gill of brandy. Know families who would feel very much to go to publichouses for small quantities of liquor. Hours ought to be from 8 to 8, and 9-15 on Saturdays, 7888-90. Would approve of its being required that no spirits should be removed from bond till 2 years old. Would also have Adulteration Act put in force as regards spirits. Have got spirits from dealer that appeared to be methylvated spirits, 7891-94. Grocers that are unlicensed in Banff have other businesses connected with their grocery trade, 7895. Consider grocery business one-third of my trade. Grocery trade would not support number of grocers in it were it not for the sale of spirits, 7897. Taking average in ordinary trade profits on spirits would be double that on groceries, 7899. Would be hard case were we restricted to quart bottle. Publicans would sell in small quantities and wholesale dealer from 2 gallons upwards, 7900.

RAIT, JAMES, LAND STEWARD, CASTLE FORBES, ABERDEENSHIRE:

Have long taken interest in liquor traffic. In district where I reside several grocers' licences have been withdrawn, much to advantage of districts where they were. Still one in parish, 8115-18. Some have to send 2 and 3 miles. Believe people are more sober now; but near licensed grocers you will find people lying drunk, buying it at grocers and drinking in open air, 8119-25. Less drinking in private houses now. Can't say if there is illegal drinking in grocers, 8126-28. Business conducted as regularly as possible, 8129-30. Two licences withdrawn from pretty good houses, 8131-34. Less opportunities for drinking the better. Mischief arises from combining sale of spirits with that of groceries. Have seen farm servants go there and get drink that I don't think would go to publichouse. Do it more quietly in grocers, 8135-40. Good deal taken from grocers in small quantities. Don't know that working people use whisky as a common article of diet, 8141-43. Gave evidence before Commission of 1860, and wished trades separated. Habits of people have not improved, but would if no licensed grocers were near locality, 8144-46. Perhaps the young lads in grocers' shop lend glasses for drinking. Should be considered whether young lads should be prevented from selling liquor as well as young people from buying it, 8147-50. Owing to rise of wages, agricultural labourers are not such a sober class as formerly. They have gone to grocers' shops and bought drink and taken it home. Increase drinking is chiefly amongst wood labourers, 8151-52.

REDPATH, ADAM, LICENSED GROCER, PARKHEAD:

Concur with Mr Trotter. In my neighbourhood there are 2 large co-operative stores. People who deal with stores come to me for spirits. All my trade is in bottle, 5471. Many women come to me for spirits. Have no reason to believe this is without the knowledge of their husbands, 5477-78. In my neighbourhood there is very large forge. That class of workmen is in the habit of taking a moderate quantity of spirits to dinner, 5483-86.

REID, MR, COLLIERY MANAGER, BAILLIESTON :

Concur to great extent with Mr Dunnachie, 5969. Thirty years' experience at Baillieston. Chief grievance we have to contend with is grocers' licence, 5970. It is a nursery for young women to learn to drink. Have known of false entries, 5971. Have not had such case before me within the last eighteen months, but men under me have seen them recently, 5972-75. Women club together to get drink who would spurn going to the publichouse, 5976. Grocers, 30 years ago, all had publicans' licence. Present system is an improvement on that, but does not go far enough, 5977-78. Better supervision of police, a higher rental, and prohibiting licensed person from living on premises would prevent abuses, 5979. The only true remedy is separation of the trades, 5980. Don't think drinking habits have increased among working classes. There is an improvement especially on Sundays, 5982. There is not much improvement as to drinking among women, 5983. Afraid Sunday drinking goes on in grocers' shops, 5984. Working men generally dead against grocers' licences. Took part lately as chairman of Co-operative Society. Nearly all the working men were against getting a licence. Any in favour of grocers' licences are of a low class, 5985.

REID, PETER, BAILIE, FORFAR :

Struck with deterioration of morals of lower section of working classes in my district, which began when the extraordinary reduction of duties was made. Noticed then that working men who had only taken a glass occasionally went with flagons to grocers for liquor. Wives and children did same. This was beginning of domestic drinking, 7352. This is a good while ago, but habit has never extinguished. At that time grocers sold as publichouses did. Still there are great number who go to grocers for spirits under the cover of groceries, 7354-58. Believe some people go to grocers who would not go to publichouse, but by doing so they have got into bad habits, 7360. Would separate trades. If not, licence should be much higher, quality of the liquor should be periodically inspected, and hours should be shortened to 10 P.M., 7363. Would consider existing interests of people having licence, 7364. 9 out of 10 cases that come before me have their origin in drink. Cannot say where liquor was got, 7365-66. Sabbath drinking arises from drink supplied by publicans. Grocers are better behaved than formerly, 7367-69. Know no cases of violation. Police are more watchful, 7370. Difficult to create self-command. Would not throw temptation in the way of those that want it, 7371-72. Grocers' shop offers more temptation than publichouse, 7373.

RENFREW, REV. JOHN, SUPERINTENDENT OF GLASGOW CITY MISSION :

Present memorial from City Mission. 46 missionaries in society. Memorial is signed by 43 and witness. Memorial expresses conviction that facilities afforded by grocer's licence have most pernicious influence on morals of the community. Leads many females to habits of intemperance. Urge separation of trades as fitted to remove strong temptation to drinking and drunkenness, 5925. One evil of system is getting credit more easily than in publichouse. False entries often made, 5925.

RENNIE, JAMES, CABINETMAKER, ABERDEEN :

Submit few cases of violation of the law which came under own notice this year. Could put finger on men, and get witnesses to corroborate what I say. Present state of grocers' licences is such that they can and do violate law. Have lived in east and north ends of city all my life. Grocers have all large cans at the ends of their counters, and behind these drink is consumed. Grocer in east end of town opens shop few minutes past 6 A.M., and openly allows liquor to be consumed on his premises. Had to pass this grocer's to my work every morning for five months, and have seen four and five coal carts standing along street waiting on men who were drinking in grocer's shop. He opened so early for no other purpose than to sell drink. His shop was seldom less than half full. This was from March to the end of July this year. Saw them drinking. Glasses were arranged on counter, 7951-3. Knew another grocer who sold slices of bread. Saw a woman buy two, and get dram along with it at back of counter. Have seen many poor people since then come to the shop and drink. This was about eight years ago. Has given up business. Would not bring up his family in the place, 7953-4. On the fast day in April last went to Cove for holiday. Went to grocer's for food, but could not get in for a crowd. Pushed into shop, which was full of boys from 13 to 17 all sitting in back room or at counter drinking. The village was filled with drunk boys and some few

RENNIE, J.—cont.

girls. Another grocer at north end of city has small fire behind counter at which he warms porter. Workpeople come and consume it on the premises, 7954. Have seen many other cases, but could not just prove them, 7955.

RICHARDSON, GEORGE, TREASURER OF BURGH OF HADDINGTON :

In spirit trade for 25 years. Have now left it, 2729. Grocers sell better whisky than publicans, 2740. Open vessels should not be allowed, 2741. Don't see what good corks would do, 2742. Don't think legislation can diminish drunkenness, 2947. Sunday drinking worse than before, 1853-2752. In Haddington it is, 2753. Would not allow police to enter any licensed house except for preserving the peace, 2756. Grocers' hours should be 8 to 8. Publicans', 8 to 10, 2763. Grocers' on Saturday, 8 to 10, 2763. Would raise rental, and also licence duty, 2766. £15 minimum rental, 2773. Shop and dwelling house should be separate, 2778. No licence should be given unless applicant is bred to trade, 2780. Spirits should be kept two years in bond, 2792. The Excise could easily manage this, 2793.

RICHARDSON, JOHN, INSPECTOR OF POLICE, PETERHEAD :

Look after both town and district of Peterhead, 7631. In town and parish of Peterhead 5 inns, 23 publichouses, 29 grocers' licences, 1 porter and ale licence. Seven publichouses sell porter and ale only. Population between 10,000 and 11,000. Only 6 licensed places out of burgh, 7632-3. Entirely concur with statements of chief constable, 7635. Evasions of law are frequent by grocers. Suspect half of them chiefly for drinking on premises. Have great difficulty in detecting it, 7636-41. Have no cases of Sunday drinking, 7642. There are very few grocers who do not sell for consumption on premises less or more, 7645. Would restrict hours, and put grocers under same police supervision as publicans. Grocers at present generally keep watch, 7646-54. Premises should be larger and entirely clear of barricades. Many houses have windows obscured and barricaded with boxes, 7654-6. Don't think workmen's wives get whisky marked under another name in my district, 7657-8. People have told me they get better spirits at grocers', 7659. Small shops that exist principally from sale of spirits are the class that commit offences, 7661-2. With more police supervision and better class of houses, two or three years would make great change. Should be paid official to inspect and report on premises before licences granted. There is not enough inspection at present, 7666.

ROBERTSON, JOHN WIGHT, LICENSED GROCER, EDINBURGH :

It is a grievance not to license persons who have been bred to the trade, 3362. Bad thing for grocer to start business without licence, 3365. Long hours have arisen from competition with publicans, 3366. We have vested interest in trade. Trades might be separated and vested interests respected, 3370. This might be done by ceasing to grant grocers' licences after five years, 3373. If this were done, publicans must only sell for consumption on premises, 3375. There should be no restriction as to quantity, 3384. Heavy fine for first offence; forfeit licence second, 3384. Magistrates should fix hours of business, 3384. Prices of provisions increased of late years, 3389.

ROBERTSON, WILLIAM, UNLICENSED GROCER, MUSSELBURGH :

Formerly licensed grocer, 3436. Concur with Mr Watt.

ROBERTSON, JAMES, PROVOST OF MARYHILL :

Concur generally with Provost Robertson of Paisley, with exception of sealed bottle. This system would encourage home drinking, 3981. In Maryhill 16,000 population. 25 licensed houses, 8 of which are grocers, 3983. We are keeping down licences as much as possible. Though no licensing court of our own, we have sufficient influence with justices to do this, 3985. Do not object to sale in open vessels, 3987. Police are instructed not to allow spirits to be sent out with children, 3990. Drunkenness is not on the increase in Maryhill, 3994. Don't, however, think it is decreasing among women, 3995.

ROBERTSON, JOHN KEITH, M.D., GREENOCK :

Present protest from 9 medical men in Greenock, stating conviction of injurious effects of grocers' licences, 4015. Am not acting in conjunction with any association in this matter, 4017. Have known cases where spirits were got secretly by women in grocers' shops, 4020. Can't say if gentlemen who signed protest speak from

ROBERTSON, J.—*cont.*

actual knowledge, 4028. In my professional experience have had cases of women of better class suffering from effects of drink, 4029-30. Have seen cases of mischief done by inferior quality of spirits, 4033. One case of death from drinking rum, 4035. Can't say if it was got in grocer's or publichouse, 4039. Would suggest complete separation of trades, 4043.

ROBERTSON, SIMON, MANAGER OF WORKS, WISHAW :

No store connected with our works, 5780. Concur with Mr John Ormiston's statement, 5785. Every licensed house should sell cooked food in some shape, 5785-6. It is an advantage, and tends to the good conduct of the trade in liquor, that there are other customers coming to shop who don't want liquor, 5789. Don't think this advantage is counterbalanced by inducements offered to buy drink, 5791. When navvies go to public-house, they stay there and drink. Would rather they could get it at grocers', 5792-95. If licence were granted to sell liquor only not to be consumed on premises, it would have the desired effect, 5797. Don't want liquor to be sold in same shop as groceries, but like principle of grocer's licence, 5798.

ROBERTSON, WILLIAM, PROVOST OF DUNDEE :

Have been two years provost, five years a magistrate, and eight years in the council, and have had considerable experience in the licensing courts, 5986-88. The magistrates have for several years been trying to diminish number of licences, 5989. The maximum number of licensed houses was in 1867. There were 594, of which 242 were grocers. At present the total is 446, of which 196 licensed grocers, 5990. Impression of magistrates is, that, although the number of persons arrested for drunkenness and breach of peace has increased, there is a marked improvement over the whole town in consequence of this reduction, 5993. The increase in offences is due to greater diligence of police and establishment of four district stations, 5994. The maximum number of convictions against licensed persons was in 1870. The number was 29, and in 1876 there were only 5 convictions, 5996. In 1874 we made rule to refuse renewal after first conviction, which has had a marked effect, 5996. This has been done for past four years, provided the sitting magistrate was satisfied of a tangible offence, 5997-6000. The offences in the case of grocers were wholly drinking on premises, 6001. Of these convictions there were in 1870, 19 against grocers out of the 29; and in 1876, 4 out of the 5 were against grocers, 6003. Table showing rental of grocers,—15 under £15; 96 between £15 and £20, &c., 6005. Convictions have taken place in all classes of grocers' shops, 6006. Am aware of complaints of police as to difficulty of detection. They should have the same facilities to enter grocers' as publichouses, 6007. There would then be fewer evasions and more discoveries, 6008. No cases have come before me of fictitious entries, 6009. Policemen (but very few) have been suspended in consequence of being treated by licensed dealers, 6010-11. There ought to be no parties residing on licensed premises. We refuse to license such premises, 6012. At present 21 licensed publicans reside on premises. We refuse renewal to such whenever opportunity is afforded, 6013-15. We grant no licence where there is a back door, and object to two doors except in case of corner house, 6017-18. We object to grant licences except in important and leading thoroughfares, 6019-20. Unless matters can be materially mended from what they are at present, the trades should be separated, 6022. There is great difficulty in refusing licences to first-class applicants. The non-licensed men are overweighted by the licensed, 6023-27. The best solution of the difficulty of separation might be an intermediate class of house to sell liquor only not to be consumed on the premises, 6030. Some parties in Dundee hold grocer's licence, but sell almost no groceries, 6031. Premises should be open inside, no partition, and clear windows, and so enable police to see what is going on inside from the outside, 6035-37. Credit should not be given for less than a quart, 6037-8. This might prevent system of fictitious entry, 6041. Would prevent sale in open vessels. Liquor should certainly be sold in corked bottles, if not sealed, 6042. Would not make a limit, 6044. The hours of being open should be from 8 A.M. to 8 P.M., 6045. The reductions we have made in the numbers have not, so far as we know, increased shebeening, 6053. We have shebeening to a considerable extent. Ninety-two convictions in 1863, the maximum number. In 1876, 53 convictions, 6053. The class of habitual offenders is on the increase, 6054-57. Am inclined to think persons apprehended on Sundays get their drink in

ROBERTSON, W.—*cont.*

shebeens, 6060. There are not many such cases, about 3 per Sunday, 6062. No licences should be granted even for wholesale trade except through the magistrates, 6064 and 6073. Sampling a great difficulty with police and magistrates to know whether it is *bona fide* sampling or not, 6065-6. Would not allow it except where there is a publichouse licence, 6068. It should be clearly understood to be illegal under grocer's licence as infringement of words "traffic in or give," 6067 and 6070. Spirits should be kept two years in bond before sale, 6074. Confirmation court in Dr Cameron's bill of 1876 is somewhat useless if not unworkable, 6078. Matter should be left to magistrates, 6078. No reason why licensed grocers should be open later on Saturdays than other days, 6080-83. Grocers with privilege of licence should submit to restrictions that do not apply to the unlicensed trade, 6087. Approve of magistrates sitting in appeal on their own decisions, 6088-89. Ratio of persons charged with drunkenness in 1867 was 1 to 95 of population. In 1876 it was 1 to 86. These numbers include many habitual drunkards, 6092. Would suggest that publichouses should close at 10 P.M., 6096.

ROBERTSON, JOHN, JOINER, DUNDEE :

For several years got my provisions at licensed grocer's. My fellow-workmen who were addicted to drink would ask me in the beginning of the week to get drink from this grocer on credit till the Saturday, when we met in backshop and paid our shares, and if bill were large we were generally treated. This was done often, and it was entered as "goods" and "sundries." Have got drink from same grocer on Sundays for these men. Think drinking habits of working people have increased through grocers' licences. Have also got drink before 8 in the morning, 6729-30. This was about 5 years since. Got the drink on Sundays myself, 6731-3. Got in by a door in a back lane, 6734-5. Getting drink on credit was reason of going to grocer and not to publichouse, 6736-37. Gave up drinking altogether for sake of wife and family. Had gone on drinking about 5 years, 6739-41. The grocer was a respectable member of a church, 6742. It was either his wife or daughter who served me on Sundays. I only dealt with one grocer. Believe they didn't care about doing it, but were afraid of our withdrawing our custom for groceries, 6743-4.

ROBERTSON, NEIL, CHIEF CONSTABLE OF THE COUNTY OF BANFF :

144 licensed premises in county. 93 inns and publichouses, and 51 grocers' licences to population of 55,571. Giving one licensed house to every 385 of population, 7831-2. Among small traders think selling drink to be consumed on premises is very prevalent. Have had very few convictions. Since 1863 have just been 11. Very difficult to detect breaches, 7833-6. Fixing of minimum rent in our county, say from £12 to £15 a year, and the forfeiture of licence on conviction for second offence, would have an effect, 7837. It is only among smaller class that breaches take place. Justices do not refuse many grocers' licences in country districts. Have 53 just now; in 1863 only 44. There is an increase of them and decrease of inns and hotels, 7839-43. Should be no connection between shop and dwelling-house, and shop and fittings ought to be open for inspection, 7845. Good many grocers send spirits and groceries to country, but never heard of them taking it on chance and selling by the way. Would be hardship for farmers if they could not get the liquor they want from town, 7847-9. No cask being allowed in shop might be benefit. At present customers carry it away in small quantities, but not in open vessels as a rule, 7851-2. Do not think entire separation of trades would be advisable, but don't think it could do harm. Would be great thing if only respectable parties were licensed, 7853-5. Small grocers might be prevented from breaches by taking them sharp and licence withdrawn on first or second conviction. With most of small grocers half their livelihood is derived from sale of spirits. Three convictions are required in Banffshire before justices withdraw licence, 7856-8.

RODGER, JOHN, LICENSED GROCER, GLASGOW :

Do not sell groceries, 5055; and now hold 3 grocers' licences. Sell wine and spirits and ales, 5058. Till 4 years ago held publichouse licence, 5059. The same class resort to present shop as used to publichouse, principally women, boys and girls, 5060-61. In working class locality there are few who object to publichouse, 5064. We sell both in open vessels and in bottles, 5067. Would be hardship to me to be restricted to closed bottle, 5070. People like to see their goods measured

ROGER, J.—*cont.*

out and put into bottle, 5072. I always cork a bottle, even though it were only a glass, 5075. Would be a hardship not to have cask on tap in shop, 5079. There may have been cases, but they are few, of people asking to drink in shop; we never allowed it, 5081. Don't drink on street outside to my knowledge, 5083. Beer is given out in open vessels to children. Spirits never. This is the general practice of trade, 5085. Have no objection to police having same power of entering as with publichouses. They seldom interfere without good reason, 5086-88. Consider my present business an improvement on publichouse one, 5090. We give no credit, 5091. Believe party who sells not to be consumed on the premises sells as much as any publican whose premises are of the same dimensions, 5095. Restriction as to age of spirits to 2 years would be hardship; it would ensure the spirits being better, 5097-98. We sell similar spirits to those we sold in publichouse, 5099. My 3 shops are each £19 rent, 5120-21. Two licences in my own name and one in that of my son, 5126. The licence should be made the property of the tenant, and so enable him to move to other premises if magistrates satisfied of their suitability, 5130.

ROSS, MAJOR JOHN, CHIEF CONSTABLE OF ABERDEEN-SHIRE:

Statement.—Would not withdraw licence from grocers, but have more stringent regulations as to sale of spirits and mode of conducting business. Would restrict sale of spirits to persons of mature years, say 18 or 20, and prohibit sale to girls and boys. All obstructions to complete inspection of premises, either by windows, doors, or counters, should be illegal, as well as fictitious entries. Entire withdrawal of grocers' licences would throw people on publichouses, which would be much worse. Every facility should be given by law to thorough inspection of grocers' shops by police or other authorized inspector at all times. Think that employment of police in prevention and detection of breaches of certificate is detrimental to carrying out of ordinary criminal business, causing them to be viewed with suspicion and dislike by trade. Would tend to prevent breaches if buyer could be punished as well as seller. Drunkenness would be greatly reduced by early closing, say 9 o'clock for all. Would make no distinction between grocers and publicans. Would make it breach for grocer to sell spirits for consumption on street or road passing his shop. Stringent measures should be taken to prevent sale of adulterated liquors. In county little selling in open vessels except in bottles. Spirits are carried in grocer's carts, but chiefly to order. Would be advantage to prohibit its being carried at all. Two detections of hawking spirits have been got by police, and parties fined. Number of small grocers would cease trading if they had not spirit licence. To considerably reduce them would be advantage. Amount of rental does not afford necessary guarantee for systematic evasion. Reduction of grocers' licences might tend to increase of publichouses. In 1859 194 licensed grocers in county; in 1876, 149, being reduction of 45. But shops selling beer and porter have increased from 9 in 1859 to 40 in 1876. Hotels and publichouses, 260 in 1859, were 211 in 1876, being reduction of 49; making reduction in county from 1859 to 1876 of 63. From 1862 to 1876, number of drunk and incapables has increased fourfold, viz., from 22 in 1862 to 85 in 1876, from fact of several burghs having adopted Lindsay Act, which enables magistrates therein to punish these petty offences. Figures do not show actual increase in this police offence. 625 were convicted for breach of peace in 1876, of which greater part directly or indirectly arose from drink, 7403. Think reduction in number of licences has arisen from force of public opinion. Justices grant licences more freely in some districts than others, 7404-5. Justices have taken view that they might grant grocers' licences more readily than publichouse licences, 7408. Do not usually attend licensing courts myself, and can only give an impression, 7409. City of Aberdeen has separate police force, 7410. Return given in only shows number of drunk and incapables in those places where authorities are able to punish them, not in whole county, 7411. Would be false deduction from the returns if you assume amount of drunkenness has so much increased, 7412. They were formerly allowed to go free where there was no resident magistrate to punish. Adoption of Lindsay Act by 6 of the burghs accounts for increase, 7413-16. Evasion of law habitual, not only for consumption on premises, but by drinking outside door, 7417. 130 convictions from 1856 to 1876—18 for last 5 years. 149 licensed grocers in county at present, 7418-20. Watch is kept when police are thought to be on the outlook. Grocers' shops more or less exist all over county where police believe

ROSS, MAJOR J.—*cont.*

illegal drinking goes on—mostly in villages, 7423-6. Procurator-fiscal declined to prosecute from deficiency of evidence. If principle in operation in prosecution of shebeens were extended to grocers, it would help us, 7427-9. Have for long time directed my men to go in plain clothes, 7432. Grocers' hours should be same as publichouses, 7436. Have no public analyst in county; would be an improvement if we had, 7438-9. Think there is hawking of spirits, but not to any great extent, 7441. Carts should carry no spirits at all, 7442. Would be advantage if justices were required to lay down number of licensed houses in each part of county that they considered necessary, 7444. Practice of justices is different in the different parts of the county. Attach importance to being myself consulted by justices as to fitness of any party to receive a licence, 7445-6. Would prohibit sale to young people, even as messengers, 7447. There are persons who take grocers' licences but do not sell groceries, 7452. Taking away grocers' licence would necessarily increase that class of shops. That should be carefully watched against, 7453. Many grocers in county have dwelling-house connected with shop. It has tendency to illicit drinking, and gives facilities for evading law. That has frequently occurred in my experience, 7457-62. Sometimes justices make it a rule that house and shop shall be separate, 7463. Do not think treating police exists in Aberdeenshire. Would be dismissal without second chance, 7464-5. Decrease in facilities for obtaining drink has always decreased amount of drunkenness and *vice versa*, 7466. Breaches of certificate should be detected by regularly constituted body of inspectors and not by police. Employment of police in this work produces bad feeling between us and very parties from whom my men are able to get best information in regard to crime. Police should be on best terms with whole population. A licensed grocer does not come under what I consider the direct criminal business of county—offences against the person and property, 7467-7476.

RUSSELL, GEORGE, UNLICENSED GROCER, CHAPEL-HALL, AIRDRIE:

Supervision of licensed grocers by police is unknown. Evasions carried on quite openly, 5943. Often asked to partake along with others, 5944. Have seen this in many shops, 5945-6. It is worst in stores connected with public works, 5947. Generally concur with Mr John Henderson and Mr Robert Harvey, 5949. Have known of women getting drink in grocers who would not be seen in publichouse, 5949-51. Can compete quite well with licensed grocer, 5952. Having licence would be no advantage to me, 5953. Believe fictitious entries are made, but don't know any case of it, 5954.

S.

SALMOND, JAMES, UNLICENSED GROCER, EDINBURGH:

Formerly commercial traveller, 525; in grocery trade, 526. East coast of Scotland, 530. Saw many breaches when travelling, 531. Table—Names of places, number of calls, and number of breaches seen, 543. Would recommend same supervision as publichouses, 560. Unlicensed grocers have great difficulties to contend with, 585.

Recalled.

Am aware former evidence questioned, 2963. Find I have wronged grocers to some extent, 2964. Saw breaches mentioned, but can't say how many in grocers' shops, 2965. Figures must be taken with reservation, 2969. Can't say if half the number or how many were in grocers' shops, 2981.

SAUNDERS, DAVID H., MILLOWNER, BLAIRGOWRIE:

Employ 500 or 600 people, 7374. Given considerable attention to question, and am of opinion that there are bad and good in trade. Quite impossible to prevent low-class grocer from abusing his privilege as drinkseller without severe system of detection. Would have regard for interests of present licensed grocers, but would look forward to the time when they would cease. Would have htoel, publichouse, and spirit-shop, and no grocer's licence. Grocers of low class have themselves been seriously injured by their trade. Working classes are rising, but 30 per cent. are going rapidly down, and that amongst women particularly. Grocer's licence is a great evil. Could mention cases. Have been teetotaler all my life. Give case of woman who came to me with three children seeking work. Gets work, by-and-bye becomes abstainer, and family do well. She deals with licensed grocer, having got into habit. Yields to influence of drink, and family goes to ruin. Lately her son came

SAUNDERS, D.—*cont.*

for me to go and see her. Pressed on her importance of changing her habits. Two days later she was dead, and took from under her pillow half a bottle of whisky with grocer's label on it. She had been given to drink before, 7375-76. Could give case after case of same kind, and names if necessary. Never see family do well when dealing with licensed grocer, 7376-77. Work people have co-operative store of their own. It has wrought well. Get my provisions from licensed grocer. Wine and beer licence in grocer's shop would be no improvement, 7378. Spirit-dealers would not be so liable to evasion. High class of grocers mostly object to strict police supervision. Spirit-dealers would not, 7379-81. Great misfortune that whole value of licence is not got. Would do no harm if you made cost of licence in Dundee three or four times more than at present. You would have fewer and better houses. More intelligent of working men are in favour of separation of trades. Would not like it harshly done. There are not so many facilities for enforcing Act in country districts as in large towns. Know many young men who are tempted to apply for licence, and magistrates have no reason for refusing it to one who is as respectable as another who has the licence, 7381-3.

SCOTT, BAILIE, GLASGOW :

Have been two years a magistrate, 4874. Of opinion that grocers' licences should be abolished, 4876. In 1868, ratio 1 publichouse to 63 families; now 1 to 72 families. There are still too many, 4877. Seeing that grocers have other goods to sell, and that number of licences should be reduced, grocers should be reduced first, 4879. Some publichouses in Glasgow have what are called family departments, with entry by separate door, 4881-2. There are more evils connected with the publichouses than with grocers, but the latter should be dealt with now that the opportunity is afforded, 4886. Government should not licence more houses than can be supported by temperate use of drinks, 4889. Would have the maximum number fixed by Parliament—say ratio 1 to 1000, 4890-91. This would decrease the use of spirits, and there would not be a great monopoly, although the returns would go into fewer hands, 4897. The magistrates, in my experience, not influenced by canvassing, 4898 to 4901. In Glasgow grocers' licences generally in hands of respectable persons, a higher class than the publichouses, 4902-3.

SCOTT, IVIE, LICENSED GROCER, GREENOCK :

Have been licensed for sixteen years. Never asked to supply to be consumed on the premises, nor make fictitious entries. Hours should be 8 A.M. to 8 P.M., and 10 P.M. on Saturday. Separation of trades would drive people to publichouses. A quart is too large for a minimum size. Existing law, if carried out, strict enough. Do not sell much in small quantities, 5426. At present. I shut at 7 during week, and 9 on Saturdays. Larger business on Saturday night requires later hours, 5427-28. Other shops which supply provisions are always late open on Saturdays, 5430. Separation would be a hardship to trade, and not for the public interest, 5434-35.

SCOTT, JOHN, TAILOR, BROUGHTY FERRY :

Have been eight or nine years in Broughty Ferry, and used to take a glass occasionally, and find no difficulty in getting anything I wish at the grocers' if I have the money. Have got a glass several times at grocers' on paying for it, and consumed it behind tea-box. Have seen others doing same, 6764. This is about five years ago, but it is as easy to get as ever, 6765-6. See parties whom I know going into grocers' shops, and believe it is for drink, 6767-71. Am not aware of any cases of wives getting drink at the grocer's without their husband's knowledge, 6772. Have seen people come out of grocer's pretty tipsy, and, though a total abstainer, have not been in the habit of watching grocers' shops, 6775-6.

SHEARER, ALEXANDER, HEAD-GARDENER, YESTER :

Thirty-six years in village of Gifford, 2272. Two publichouses and one licensed grocer, 2274. 1000 population in parish, 2275. 500 in village, 2276. Grocer's shop largely resorted to for liquor, 2277. Children sent to get bottles filled with spirits, 2278. Have seen it done, 2279. Never saw drinking on premises, 2281. Know of females getting drink from grocers unknown to their husbands, 2282. Shop respectably conducted except as regards children, 2288. Diminution of licences not decreasing drinking, 2293.

SHIELD, GEORGE, PROVOST OF ARBROATH :

Have been provost for 12 months, and a magistrate for a number of years, 6266. There are 7 hotels, 43 public-

SHIELD, G.—*cont.*

houses, 49 grocers, and 8 beer licences to a population of 20,000 in Arbroath, 6267-68. Number of licences has of late years decreased, 6269. The magistrates for a number of years have been trying to reduce them, 6270. We generally grant grocers' licences if premises are suitable and applicant has good character, 6272. There is great difficulty in refusing to one and granting to another, 6273. The whole of our grocers are licensed, except some co-operative stores, 6274. The stores do large business, 6277. They are mainly supported by working class, 6279. Don't see why trades should be separated, 6281. Reducing numbers of licensed houses does not reduce sale of liquor, 6282-83. Working class go to stores because they can get share of profits, 6285-87. Opinion of magistrates is to reduce small publichouses, and let respectable grocers have licence, 6291. Fictitious entries are unknown in Arbroath, 6293-94. Hours of both publichouses and grocers should be shortened, 6295-96. Grocers should shut before publichouses, 6297. No reason why working classes should not get their groceries by seven or eight o'clock, 6298-99.

SIMPSON, ROBERT, EDINBURGH :

Formerly licensed grocer, 591. Looking out for premises as unlicensed grocer, 596. No wish for licence, 597. Six years commercial traveller, 593. Selling small quantities objectionable, 600. Affords facilities to women. Saw very few evasions when travelling, 604. Called principally on better class shops, 606. Women of inferior class frequently came to our shop for drink, 613. Only once saw liquor bought and drunk at door, 615. Trades should be separated, 623. Minimum of quart would not encourage home drinking, 632. Quart limit would cause many small grocers to give up business, 635. would not be necessary to raise price of groceries if trades were separated, 638. There would not be so many in the trade, 640.

SIMPSON, GEORGE, COALMASTER :

Connected with mining operations in various parts of the country. Justice of peace for Fife, Lanark, and Linlithgow; experience of licensing courts, especially at Airdrie. Hotel licences in country districts cloak for Sunday selling. At one time grocers' licences in favour; were thought innocent class of licence; now the feeling of Airdrie court is against them. Objections to them—(1) Facilities for obtaining drink in clandestine way, on credit, and sometimes fictitious entries made; (2) advantage it gives over unlicensed grocer—applicants say they cannot compete unless licensed; (3) advantage over publichouse, the latter having to keep up a separate establishment. Would propose as remedy entire separation. Such remedy as sealed bottles is trifling with question. Would give time before separation. No employer of labour should directly or indirectly have connection with any licensed house, as is the case in some public works, 5836. Majority of justices are of same opinions, 5837. Have known many cases of people being lost to society through getting drink at grocers'. Confirmed drunkards will find means of getting drink, but temptation should be kept out of the way of rising generation. Would restrict numbers, even at risk of creating monopoly. Present system of granting is wrong. Legislature should fix number in each district, or allow justices to do so. Licences should be put up to competition, licence fee going to public funds. Should close earlier, leaving it to licensing court to fix hour, 5842. Would approve of a licence given separately from grocery trade to dealers who were not grocers, 5843. Would go in for spirit licence pure and simple, in whatever shape you gave it, 5845.

SIMPSON, ALEXANDER, PROVOST OF INVERNESS :

Have been two years provost. Have been magistrate since 1864. Have some experience of licensing system. Am an unlicensed grocer. Business established for over 100 years. Have conducted it for 33 years without asking for a licence. Shop never was licensed, 8337-38. In 1871, the population of Inverness 14,463. Must be nearly 16,000 now. Railway works have tended to increase population, 8339-40. In 1876, 12 hotels, 45 publicans, 43 grocers, 2 beer licences—91 altogether. In 1866, population 12,713; number of licences, 135. In 1866 number of licences, 112, 8341. Reduction has been owing to efforts of magistrates, 8342. Inverness supplies large district besides its own inhabitants, and the summer traffic besides, 8343-44. Same number of grocers now as in 1866. Limit them to some extent in poorer parts of town. Have granted new licences of late years. Made it rule that when any grocer applied for licence he would require to keep up his business as grocer for six months at least previously to show that he was a *bona fide* grocer. Also examined premises, and if found that sufficient stock kept, invariably granted licence, 8345-46.

SIMPSON, A.—*cont.*

Would feel it unfair to refuse licence to *bona fide* grocer if applicant wished it, when his neighbours had it; but found that breaches occurred more frequently in poorer parts of the town, 8347-48. Grocers in family business are not so apt to sell drink for consumption on premises as those in small way, 8349. Rent is not looked to so much as good stock of groceries. Think there ought to be minimum rental. Think magistrates of each burgh could fix that. Would require to be fixed in districts, 8350-52. Trades ought to be separated. Believe there are conscientious men carrying on business of licensed grocers in honourable way in Inverness. All first-class shops conduct business in respectable manner, 8352. Number of convictions for breach of certificate in 1866, 1; 1868, 2; 1869, 1; 1872, 1; 1874, 2; 1875, 2; 1876, none. Give same statistics as to publicans and hotel-keepers, 8353. Some cases have been brought to trial, and in few of them there have been no convictions, 8355. In years in which principal convictions took place against hotels, there were more hotels, and the offenders were struck out. Those now in existence have *bona fide* accommodation, 8356-58. Much more profitable trade when the two are conjoined, 8360. Would be for public good if trades were separated, 8362. There is temptation in smaller shops to sell for consumption inside. Magistrates have endeavoured to reduce such, and open them up to inspection of passers by, which has been a benefit. Good deal of advantage has accrued to town from increased vigilance of police, 8363. Should be separate licence for wine and spirit dealers, 8365. Great difficulty in granting grocers' licences. Have reduced more the public-houses,—79 in 1856, and 34 now, 8368-9. Licensed grocers in Inverness do not undersell their groceries, 8370-71. In separating trades, would make wine and spirit merchants for consumption off premises, 8372. There was 1 conviction against shebeen in Inverness in 1871; 1872, 1; 1873, 1; 1874, 2; and 1876, 1. Vigilance of police has tended to decrease number, 8375-6. Attribute increase of number of convictions for drunkenness to activity of present superintendent. Inverness is one of quietest of towns. None of the cases are of a flagrant nature, 8377-78. Wages are very regular in Inverness. In cases of drunkenness, there are some habitual offenders that make the number of offenders greater than is really the case, 8380. Do not agree with superintendent of police that there should be increased penalty for breaches, or that the law which applies to shebeens should be extended to illegal drinking in grocers' shops and publichouses; but agree with him that the publicans' hours should be limited to 8 A.M. to 10 P.M., and grocers' to 8 A.M. to 9 P.M., and the restriction to sealed or well-corked bottles, not less than pint, 8575. Would not give licence to man who has not been bred to grocery trade, and there should be training for spirit dealers too, 8576-77. Would not have the police march into every tradesman's shop, unless there is reasonable suspicion. Police might abuse their liberty. Would be satisfied if power were limited to superior officers, or to superintendent himself, 8578-80. Have been most particular for some years about the meaning of term hotel. Think it is place with suitable accommodation for passers-by, 8580.

SINCLAIR, JAMES AUGUSTUS, CLERK OF THE PEACE FOR THE COUNTY OF ABERDEEN:

Sent letter to Commission with number of licences granted from 1854 to 1876. In 1854, 177, and in 1876, 145 grocers' licences. Decrease is owing to the boundaries of the town having been extended, 8106. Can only speak with regard to Aberdeen district. Think there has been disposition to keep down all kinds of licences lately. Formerly, tendency was to grant grocers' licences in place of publichouse licences, but latterly justices have been as strict with the one as with the other, 8108-9. When town boundary was extended in 1872, 48 grocers were transferred from county to the town, 8110. No Small Debt Court for justices in Aberdeenshire. Operation of grocers' licences has not particularly come under my notice, 8121-13. Opinion on the subject is very various, 8114.

SKINNER, WILLIAM, CITY CLERK, EDINBURGH:

Formerly councillor and bailie, 2. Statement of present law. Act of 1853 and 1862, 3. Previous to 1862 grocers could open when they pleased, 5. Returns from 1854 to 1876, 13. Grocers convicted, 1854 to 1876, 21. Tendency of convictions to diminish, 24. Decrease of publichouses. Increase of grocers, 27. Think rent should be condition in granting licences, also cubic space, 28. Magistrates, before licensing, inspect premises and report, 32. Mr Clark's table. Decrease of drunk and incapable, 36. Don't know if sale in open vessels takes place, 42. No back access absolute

SKINNER, W.—*cont.*

rule with publichouses, 47. Not so with grocers, 49. No restriction in Edinburgh as to house and shop being separate, 54. This should be obligatory, 55. Character of applicant reported, 58. Sale should be in pint corked bottles, 69-70. Magistrates in cases of transfer require certificates before granting licence, 74. Confectioners have publichouse licence, 78. Clause 8 of 39 and 40 Vict. cap. 26 should be repealed, 86. It has the effect of giving the majority the power over the minority, 86. Three magistrates and three justices of county. A majority of them can overturn decision of whole body of magistrates, 87.

(App. D, No. 50, p. 504.)

SMART, WILLIAM, OF FARQUHARSON & Co., LICENSED GROCERS, ABERDEEN:

Can't see propriety of separating trades. If done, would be great inconvenience to many, 8009. Do large family business, and conduct business in thoroughly respectable manner, 8010-11. It is the small shops that break the law, 8012. Stopped selling less than pint 7 years ago, 8013. There are not many of the working class among my customers, 8014. Separation of trades would involve my giving up one-half of my business, 8016.

SMITH, REV. DR THOMAS, COWGATE-HEAD FREE CHURCH, EDINBURGH:

Supported memorial presented by Mr Turner (p. 17), 840. No personal knowledge of abuses, only hearsay, 841. Am convinced of bad effects of grocers' licences, 843. Husbands have told me of their wives acquiring drinking habits from getting it in grocers' shops, 846. Would recommend abolition of grocers' licences, 849. Limitation of rent next best remedy, 849. £40 or £50 minimum, 850.

SMITH, CHARLES OF GORDON AND SMITH, LICENSED GROCERS, ABERDEEN:

Circumstances very similar to those of Mr William Smart, 8017. If trades were separated one-third of business would be taken away, 8018. Have been in trade for 30, and in present business for 20 years, 8019. Customers never consume drink on premises, not being of class that would ask it, 8020-21. Drinking on premises is not known in respectable shops, 8022. Licences should only be given to those who have been bred to trade; this would be great means of curing the evil. Think no harm would attend restriction to pint bottle, and would have good effect. Hours should be from 8 to 8, but would not insist on sale of groceries being confined to these hours, 8023-5. In town like this £40 minimum rental, 8026. Evil when it exists has been caused by the too numerous granting of licences, 8027. Impossible not to keep casks in shop. It might be kept in cellar. It might and might not be a certain security, 8028-31.

SMYTHE WILLIAM, OF METHVEN, CONVENER OF THE COUNTY OF PERTH:

Have taken considerable interest in licensing question, 6337. Justices in Perthshire have been endeavouring to reduce all kinds of licensed houses. Their feeling is strongly in favour of so doing, more especially grocers' licences. They first decide whether a licence is required in the district. In country districts and small villages, grocers' licences have been found very mischievous, and are not required. Mr Salmond's evidence referred to, 6338. Mr Salmond may have been to certain extent correct in his evidence about Methven. At time he spoke of there was a grocer's shop notorious for evading. Grocers' licences could easily be dispensed with altogether. It confers a privilege on one man over another. The possession of licence greatly enhances value of business; goodwills of business advertised for sale. It is taken for granted that the new comer will also have a licence. This is a prevalent mistake, namely, that the licence is given to the house rather than the individual. Grocers should not be licensed any more than other tradesmen. Would abolish grocers' licences, saving rights of present holders. Would exclude sale of all other articles in shops where wine and spirits are sold, 6339. Not sure if even cooked provisions should be allowed. Don't think any shame would attach to a person going conscientiously to a publichouse for spirits. A wine or beer licence without spirits might be given. This would prevent numbers of small trades taking out licence, and would accommodate large respectable dealers', 6340. Would not even allow them to sell spirits in large quantities, 6341. Speak of grocers' licences only, Public Houses not being within present question, 6342. The introduction of what is called in publichouses in England a family entrance would be a great advantage, 6344. The present system is bad, and can only be got rid of gradually, so as to protect existing interests, 6345-48. Abuses might exist

SMYTHE, W.—*cont.*

in shops for sale of liquor only, not to be consumed on premises. Only way is to regulate it so far as you can. Approve of Gothenburg system for country villages and small towns, 6352.

SOMERVILLE, JOHN, OF MESSRS JOHN SOMERVILLE & Co., OF LEITH:

We are spirit merchants, purchase stock from distillers, and import our own foreign spirits, brandy and wines, from abroad, rums in London, Liverpool, and Glasgow, all our whisky from Scotch distilleries, 9033-36. Import very little German spirit. It is used for blending with British spirit. It is a wholesome and fine spirit, 9037-40. Quantity we use is small, not more than one or two per cent. of whole trade, 9041. It is bought first when the difference between it and British is sufficient to make it important to sell, 9042. A great deal of the whisky we sell is new, 9044. We buy both malt and grain whisky, and blend the great bulk of spirits we buy, as we consider it necessary to produce a marketable article, 9045-47. We sell at from 14s. 9d. to 17s. per gallon of 11 over proof, 9050. Whisky at 14s. 9d. would partly be under 6 months old, 9052. We mix new with old, 9053. Our malt spirit is generally older than the grain, because it takes longer to mature, 9058-59. Grain spirit has almost no fusel oil, 9060. Higher class malt whiskies, as Glenlivet and Islay, take a long time to mature, 9061. Better class whiskies are bought by better class of tradesmen, whether grocer or publican, 9062. New grain whisky sent out the week it is made is quite wholesome, 9063. Fusel oil above a certain quantity is unwholesome, 9064. Law putting limit on percentage of fusel oil present in spirit would be quite fair, 9066-67. It would be a better test than the age test, 9068. Some malt whisky would take from three to five years to mature, grain whisky would be as matured in one year, 9069. Have heard of adulteration of spirits but have never seen it. Have heard of vitriol and some acids, names of which don't know, being put in. Believe the statements are false, 9071-74. Dilution is done by the retailer. Nothing, so far as I know, is done to restore the flavour, 9075-77. Brandy gets reduced by keeping, and no need of dilution, 9080-82. Higher class whiskies when new, contain most fusel oil, 9083. Publicans as a rule do not buy that class of whisky. They generally buy blended whisky, 9084-85. No use recommending whisky that should be kept a certain time, 9086. If they wish old they can get it now, and the new is quite as wholesome, 9087-88. It is easy to distinguish between brandy diluted and brandy reduced from age, 9089.

SPENS, WALTER COOK, ADVOCATE, SHERIFF SUBSTITUTE OF LANARKSHIRE:

Statement.—Almost all crimes of violence due to effects of drink; large proportion to bad description of drink supplied. Would wish some means of regulating quality of drink supplied, 3996. Liquor in Glasgow is better than is generally sold elsewhere. Adulteration Act of 1875 should be made more stringent and comprehensive. Believe freshly distilled coarse spirit to be injurious from presence of fusel oil. It is possible for distillers to extract this oil. Would make statutory offence to sell whisky containing fusel oil above a certain percentage. Cases of breach do not come before me, 3998. They go before the justices. Occasionally have seen fictitious entries, and deducted the items, 4001. In Glasgow there are a good many cases for recovery of small sums of money lent by money-lenders, 4007. Don't recollect of such cases before me at Hamilton or Wishaw, 4011. The number of such cases has increased since the passing of Wages Arrestment Act in 1871, 4014.

STEUART, ANGUS, SUPERINTENDENT OF POLICE, BRECHIN:

Have been 20 years in police force, 12 in Brechin. Was formerly in Montrose, 7764-6. 13 hotels, 13 public-houses, 16 licensed grocers, and 3 porter and ale retail shops, and 6 small beer and table beer licences in Brechin. Population 7933, 7767-8. Licences have been neither reduced or increased lately. Only one grocer unlicensed and 2 co-operative stores, 7769-70. Had no convictions against grocers for 7 years. Law is generally observed in Brechin. Very difficult to detect breaches, 7771-4. Don't know any case of women going to grocers' shops and procuring liquor, 7775-6. Adhere to written answers to queries sent me by Commission, 7777-80. Would be no advantage restricting to pint or quart minimum, 7781. Don't think it would be advisable to separate trades, 7783. Think people drink at grocer's because whisky is cheaper and better than at publican's 7784.

STEVENS, ROBERT, LICENSED GROCER, ABERDEEN:

Have been requested by those in trade to appear before

STEVENS, R.—*cont.*

Commission. Represent merchants who supply middle and working classes. Have been paralysed by some of the statements made. Drink is seldom asked for consumption on my premises, and if asked is never given. Have been in business 40 years, and never had customer who wished fictitious entry made for drink. If one had, would never have been agreed to. Never sell in open vessels, 8033. If such trade carried on it is a bad one. Grocers whom I represent would be quite agreeable if hours were 8 to 8. Would not object to police supervision. With regard to their excuses it seems they cannot do their work. Quite prepared to have bottles all corked and sealed. Would not have any difficulty in doing so. Nothing impossible about it. Would not be so much drunkenness if spirits were not sold unless they had been two years in bond. They would then be medicine instead of poison, 8034-7. Do a middle, respectable class trade, 8038-9.

STEWART, JOHN, LICENSED GROCER, EDINBURGH:

Been in same shop 9 years, 2620. Only one-sixth of my trade ale, wine, and spirits, 2622. Would make hours 8 A.M. to 9 P.M.; 10 P.M. on Saturdays, 2624. Man bred to trade should have preference, 2624. Whiskies should be two years in bond before use, 2624. Have been asked to evade the law, 2625. Case proved once against witness, 2626-30. Never treat commercial travellers, 2632. People like to get their groceries and spirits at same shop, 2639. Large proportion of my spirit sale in small quantities, 2651. Sometimes sell in open vessels, 2653. Saturday night sale mostly pint and gill bottles, 2658. I sell more whisky than other liquor, 2676. Have no objection to police supervision, 2685. Sale of hard ale has ceased, 2686.

STEWART, MRS, GLASGOW:

Present memorial from Women's Temperance Prayer Union, protesting against existing law regarding grocers' licences. Draw attention to demoralizing effect on licensed grocers and assistants. In these shops many women first acquire habits of drinking, who would scorn to go into a publichouse. Would wish for separation of trades, 4542. Memorial signed by president, vice-president, treasurer, and the secretaries.

STEWART, JOHN, MANAGER OF THE PHOENIX IRON WORKS:

Have nothing to do with any licensed house at the Phoenix works. Company have no interest in any store, 5780. Concur in Mr John Ormiston's statement, 5783.

STEWART, JAMES, PAID SECRETARY OF THE EAST OF SCOTLAND MILL AND FACTORY WORKERS' ASSOCIATION:

Formerly factory worker, 7235. 12,000 to 14,000 members of the association, 7236. Duties necessarily lead me to be a good deal about houses of working men and women, and have therefore heard them express their ideas on this subject 7238-9. Am in the habit of buying liquor from grocers, but do not keep whisky regularly in the house. Have often bought bottle at a time. It would not incommode me were I always to do so, 7240-43. When an operative, practice was to buy a gill or so when wanted. That is the practice of men in association, 7244-6. Working men have not much money to spend, and have therefore to buy in small quantities. Prefer to buy at grocer's rather than at publichouse. Get better article at grocer's, and would not care sending my wife to publichouse, 7247-49. Distinct room set apart at publichouse; think it would do away with prejudice, 7250. Shop set apart for liquor selling would not be so good, as women would go there with the intention of buying liquor, and would meet others in same practice, which would lead to companionships that would not be good for younger and less experienced women, 7251. Sealing bottle would not be of much use, 7253. There is great deal more liquor given at the publicans' on credit than at the grocers'. Have known workmen to have half their wages spent in drink at publichouse before earning them, 7259-60. Have heard no complaints from men that their wives get liquor unknown to them. Grocer runs risk of losing value of spirits and goods put in along with them, 7271-77. Think hours should be 8 to 8, and possibly 9 on Saturdays. This would not inconvenience working classes. Publichouses should also be restricted, 7277-81. Mr Matthew's statement that in the Overgate on a Saturday night every third person is the worse of drink is an unfounded libel on the working classes, 7281. Think that if man wishes spirits it is safer to take it home, because the publichouse tempts him to drink more, 7283. Respectable working classes do not take whisky daily, but only on an occasion of festivity, or when a friend visits them, 7284-7.

STEWART, CHARLES, LICENSED GROCER, PERTH :

Concur with Mr Peter McIntyre, 7335.

**STIRLING, JAMES, SUPERINTENDENT OF POLICE, FOR-
FAR :**

Ten years in present office ; before that eight years in Dundee, 6213. Sale by grocers is extensive, and three new licences were granted this year. They now are 22 in number, 6214-16. Population is 11,031. There are 30 publichouses and 15 hotels, 6217-18. In 1854 there were 64 licences, 6220. Magistrates rarely refuse application for grocer's licence, 6221. Some are in very small way of business, 6222. Nine co-operative stores in Forfar who have no licence, and do very large business, 6223-4. Two grocers are under £10 rent, eleven between £10 and £20, three between £30 and £40, and none above, 6239. Believe there is a good deal of evasion by consumption on premises by lower class of grocers, 6230-1. Don't think grocers' shops are more injurious than publichouses. Some small shops are, and to get a living they must stoop to do every low thing, 6233-35. Would be a hardship to larger grocers to separate trade, but do not say it would not be an advantage to the public generally. There would be no hardship in letting existing grocers' shops die out, and refusing to license new ones, 6239. Would fine people who break certificate Great difficulty in detecting it, 6242. No back shop should be allowed, 6247. Police have sufficient power at present, 6248. It would be no hardship to grocer if police had same power of entry as to publichouse, 6250-52. Not having cask on tap in shop would only send that class of trade to the publichouse, 6255. Magistrates will not convict without the clearest evidence of drinking going on. People in shop and glasses there won't do, 6256-7. They never take licence away till they must, namely on third conviction, 6258-64. From 1864 to 1877 number of breaches reported was 27, of which 20 were convicted, and 7 were found not proven, 6265.

STIRLING, JAMES, CHIEF CONSTABLE OF NAIRNSHIRE :

Twelve licensed grocers in county, 2 of which are for porter and ale only. Ten hotels and publichouses in burgh of Nairn. In county 1 hotel and 2 publichouses. No licensed grocers in landward part of county, 8525. Evasions are remarkably few, 8526. Three carts leave Nairn every day, one of which sent out by grocer and spirit dealer. They take out spirits, and it is alleged that they sell them on chance, but have no proof of that. In last 10 years 4 convictions of licensed grocers, 8527-31. At present do not suspect grocers for allowing drink to be consumed on premises. Very difficult to detect, as offender generally puts little boy at door to watch, 8532. Good many grocers have dwelling-house connected with shop, though there is no internal communication, 8534. Wish much to see grocers prohibited from supplying any sort of liquor to children under 14, even as messengers. Think it would be objection even if they only sell in sealed bottles, 8537-8. In such a place as Nairn it is utterly unknown to sell in open vessels, but bottles are not sealed, 8543-4. Would like to see hours restricted ; but there would be no use unless publichouses and hotels were also restricted. Grocers do not open before 8 in Nairn. They close at 7, but keep open till 10 or 11 on Saturdays, 8545-6. Am satisfied with present system. Have not seen evils complained of, 8547. Have no knowledge of working men's wives obtaining liquor without husbands' consent or of fictitious entries, 8548.

**STIRRAT, WILLIAM, FOREMAN JOINER WITH JOHN
REID & Co., SHIPBUILDERS, PORT-GLASGOW :**

Concur with Mr Daniel Anderson's statement, 5871. Prefer to get groceries and spirits at same shop, 5888. This my only reason for preferring grocers to person to sell liquor only, not to be consumed on premises, 5889. Grocers beside us all very respectable, 5890.

STURROCK, PROVOST, OF KILMARNOCK :

Licensed grocers represent 1 to 187 of population, the ratio of grocers 1 to 581. Magistrates have no regulations. Latterly have inclined to curtail grocers' licences, 4422. At one time they thought grocers very innocent, now they think them detrimental, 4423. Large sale in open vessels. Drinking has increased among women of lower class, 4424. In cheaper rented shops large amount of illicit drinking, 4425. Nine out of 44 licensed grocers are rented under £10, 4426. Would fix minimum rent from £20 to £30. Would raise licence duty, and gradually weed out as convictions are got against them. Licensed houses should not open earlier than 8, and grocers should close at 8. Police should have more supervision, 4435. At present grocers in Kilmarnock shut at 7, except some lower class shops, 4436-37. The number of licences should be fixed. Would have a small

STURROCK, PROVOST.—cont.

permanent licensing committee, 4439-41. Should be restriction to quart minimum, 4441. 27 convictions in last 25 years, almost all against small rented grocers, 4443.

(App. D, p. 492.)

**SWANSON, JOHN, SUPERINTENDENT OF POLICE FOR
CITY OF ABERDEEN :**

Population of about 100,000, 7573. Number of licences granted for 1876 was 41 hotels, 122 publichouses, 276 grocers—total, 439, 7575. 5 years ago number was 494. In grocers' licences decrease from 297 in 1872 to 276 last year. This has been caused by magistrates refusing to grant licences, 7576-9. There are a few very respectable grocers unlicensed owing to their choice, 7580-1. Number offences in 1872 was 17 ; 1873, 17 ; 1874, 9 ; 1875, 9 ; 1876, 14—total, 66. Three of these were committed on Sundays. Believe there is much more evasion than what is detected, 7582-5. It may prevail among large shops, but not nearly to such a large extent as in case of small shops. Officers report that they are difficult to detect. Say there is much drinking on grocers' premises. Can't get witnesses, 7588-96. Separation of trades would be most effectual remedy, 7597. Would have spirit-dealer to sell for consumption off the premises. Are such in Aberdeen. No suspicion is attached to them, 7599-7604. Low class of grocers' shops, which are just spirit shops, should not have licence, 7605-7. Would have licence given to respectable person in respectable locality. There are 60 or 70 grocers' shops whose rental is about £10 in Aberdeen, 7608-11. If grocer could only sell in sealed bottles, enormous staff of men would be required to carry it out, 7612. Don't think new licences are granted now to houses below £10 rental, 7613. Can't speak personally to working men's wives getting liquor on credit, 7614. Some grocers in Aberdeen open before 8 o'clock, 7617. Keep better order in grocers' shops of late years. Seven convictions of shebeens last year. Great many not detected, 7618-21. Tighter hand being kept on licensed houses would not cause shebeens to spring up, 7622. A good number of smaller grocers open before 8, none of high class, 7624-6. Great difference between mode in which respectable grocers conduct business, and mode in which small class conduct theirs, 7627. Good number go to grocers who would not go to publichouse. If licence were taken from grocers they would go to respectable hotel, 7628-9.

T.**TATLOCK, ROBERT R., ANALYST TO CITY OF GLASGOW.
See DR WM. WALLACE, ANALYST TO CITY OF GLASGOW.****TAWSE, JOHN, W.S., BAILIE, EDINBURGH :**

Member of licensing court, not of confirming court, 324. Magistrates have reduction of licences in view where practicable, 326. Have refused on ground of sufficiency in locality, 331. Publichouses have been reduced, 328 ; but grocers have increased, 329. Grocers in Cowgate, &c., are in excess of requirements, 334. Magistrates anxious that house and shop be separated, 336. Premises refused a publichouse licence one year may have got a grocer's the next year, but never the same year, 341. Never heard of alternative application, 343. Would be against applicant if not bred to trade, 347. One serious breach should forfeit licence, 348. Magistrates have no rule, 348. Transfers should not be granted except at half-yearly courts, 353. Don't approve of 1876 Act as to granting new licences, 356. Shop and dwelling-house should be separate, 361. As general rule no backdoor allowed, 367. No necessity for grocers to be open till 11 P.M., 373. Licences should be refused to those not bred to trade, 382. Have no reason to believe police are treated, 383. Think confining grocers to large quantity would probably do more harm than good, 386. Have no fixed opinion on this point, 386.

(App. D, No. 49, p. 504.)

TAYLOR, DR, PORT-GLASGOW :

Generally concur with Dr Barras' statement, except in thinking that publichouses are more hurtful than grocers, and I object to quart bottle minimum, 5581-84. Quality of drink should be raised. No whisky should be allowed out of bond under two years old, 5610. Grocers' licences should only be granted to men of high respectability, who are actually engaged in grocery trade. Drinking on premises generally confined to a few friends of grocers, 5611. Have never seen working classes drinking over the counter, 5612. Have not during 13 years' practice seen any drinking among women of working classes, 5613. Drinking spirits at meals not a habit among working classes ; sometimes I see beer, 5614. Taking away grocers' licence would materially

TAYLOR, DR.—cont.

affect a class above the working class. People with incomes of £80 to £150 a year, who can't afford to keep cellars, 5617. This difficulty would be met by another class of licence, to sell liquor only, not to be consumed on the premises, 5618-23. A man should take what drink he does take at home, under the family restraint, 5624. Going to publichouse leads to drinking more than is intended on entering, 5625. Country grocers' licences are a benefit to working classes, and not so harmful as publichouses, 5626. A small quantity of drink making a man like a raving maniac must be due either to presence of fusel oil or to the unmaturing state of the spirit, 5628. Don't think there is any adulteration, 5629.

TAYLOR, WM., GLASGOW :

Statement.—Am manager of the General Supply Association (Limited). Five years manager. Previously grocer without licence. Our business with better class, and only members. All sales for cash. Supply all sorts of liquors. Am never asked to allow drinking on premises. Don't sell groceries cheaper on account of licence. Purchasers sometimes lodge money and get goods till amount is exhausted. Never was asked to and never did mark spirits as groceries. Sell nothing less than quarts of spirits. Pints of wine and beer. Open at 9 A.M.; close at 6 P.M., except Saturdays, when we close at 2 P.M., 5891. We applied four years ago for a licence for our branch at Hillhead. Did not get it, 5892.

TELFER, THOMAS, CITY MISSIONARY, EDINBURGH :

My neighbours tell me they see working men go to a house in neighbourhood, 3058. Seen people going into house at back of shop on Sundays, 3058. A recently reclaimed woman told me she began to drink at grocer's shop, 3059. She said liquor was marked as goods, 3059. This was 2 years ago, 3060. A woman requires to be far gone to go to publichouse, 3066. Credit given at grocers, not at publichouse, 3086. System of carts travelling injurious, 3087. Trades should be separated, 3089.

THOMSON, JAMES, SUPERINTENDENT OF BOARDING HOUSE, BLIND ASYLUM, EDINBURGH :

Thirteen years licensed grocer in Edinburgh and Leith, 645. Had at first great difficulty in preventing people coming for drink, 649. In consequence had few working class customers, 649-52. Often asked to make fictitious entries, 656. Have been asked to enter loaf, tea, sugar, soap, and generally goods, 671. Have known of women of superior class come to grocers' shops for drink, 673. A quart minimum would not lessen the evil, 681. Trades must be separated, 684. Many grocers could not keep open but for drink, 687. Would be beneficial to have house and shop separated, 694. £15 minimum rent might do good by abolishing small class of shops, 695. Property adjoining licensed houses is deteriorated in value, 708.

THOMSON, ADAM, LICENSED GROCER, GALASHIELS :

Attend on behalf of Association of Licensed Grocers in Galashiels, 1574. Thirty years in trade, 1575. Three years police commissioner, 1576. Six years town councillor, 1576. Great deal of intercourse with working men, 1576. Not in my experience that licensed grocers make fictitious entries, 1580. Declarations from grocers in neighbourhood of Galashiels repudiating this, 1580; 33 licensed houses in Galashiels, 22 grocers, 1584. £25 to £60 about average rent of these grocers, 1598. Bottle system bad, 1608. A gill bottle might do very well, 1612. No experience of people wishing to drink in shop, 1620. Some grocers no doubt commit such breaches, 1624. Present law sufficient, 1638. If any change made, publicans should not be allowed to sell except for consumption on premises, 1638. Treating policeman never heard of, 1639. Sampling, a violation of present law, 1649. Drunkenness has not increased in working classes, 1651. Savings bank figures show this, 1653. Number of licences decreased in Galashiels, 1655. Age of spirits. Should be three years old to be good, 1665. Not wholesome under two years, 1665. No objection to analysis, 1669. To ensure respectable trade too many licences should not be granted, and annual renewal should not be required, 1677. Difficult to fix minimum rental, 1678. Should be no direct communication between house and shop, 1681. Would give licences in some cases to parties who had not served apprenticeship, 1683. Age of whisky, not fit for use before two years, 1683. Good whisky costs grocer, 16s. 10d. per gallon, sold at 3s. to 3s. 4d. per bottle, 1690. Mr McLaren in error in his views on the Licensing Acts, 1696. Also as to transfer of licences, 1699. Treating customers used to be common, 1703. Treating servant

THOMSON, A.—cont.

girls never done, 1703. Treating in drapers' shops common, 1703. Many people in Galashiels get goods at stores on account of cheaper rate they can be supplied, 1710. Answers to my questions almost uniform, 1715. List of questions sent, 1718.

THOMSON, ROBERT DOUGLAS, LICENSED GROCER, EDINBURGH :

Member of Association, 2441. Quantities sold in a month in witness' shops, 2578. Large legitimate trade in small quantities, 2581. Would not renew licence after first, second, or third convictions, 2583. Magistrates should fix hours of closing, 2582. Would not object to increased supervision, 2588.

THOMSON, REV. ARTHUR, FREE CHURCH, GIFFORD, EAST LOTHIAN :

Minister of Salton and Bolton, 1853 to 1874, 3393. Since then in present charge, 3394. System of grocers' licence decidedly injurious, 3396. Has bad effect on family of grocer, also on children sent to purchase, 3397. If not originated, drinking habits increase by this system, 3399. Have personally known two cases of evasion. One for hawking, 3404. Object to system on ground of injustice to unlicensed grocer. Would give village doctor power to sell spirits for medicine if trades are separated, 3409. In Yester parish consumption of spirits one gallon per head, 3412. Agricultural population, 3413. Drunkenness very common vice. Should be entire separation of trades, if that impossible, should be in proportion of 1 to 500 inhabitants. Should sell only in quart bottles corked and sealed, 3426. Would shorten hours, and prohibit sale to children under 14 without a written order from the doctor, 3434.

THOMSON, JAMES, COMMERCIAL TRAVELLER, GLASGOW :

Have travelled for thirty years from Peebleshire down to West Highlands as far as Stornoway, 5696. Concur generally with Mr Crichton except in his opinion that no house should sell to be consumed on premises, 5696. Separation of trades would compel women and children to be sent as messengers to publichouses, 5698. Have not for long witnessed evasions, 5699. In places where large ironworks, where men are exposed to great heats, and men obliged to take beer with no publichouse near, have sometimes seen law evaded, but seldom, 5701. Have been informed by Campbeltown distillers that family grocers mature their whisky more than publicans, 5713. It would be no hardship and a public benefit if whisky was required to be two years old before use, 5719. It would be a loss to the spirit-merchant. Matured whisky won't stand more than 1 to 5 or 6 of water. New whisky 1 to 3 quite readily, 5720. As general rule spirit merchants are pretty wealthy, and could afford to stand the loss, 5722.

THOMSON, ANDREW, LICENSED GROCER, KILMARNOCK :

About two years ago bought one of the largest licensed grocers' shops in Kilmarnock. Paid nothing for goodwill. Took stock and fittings at valuation, 5760-61. Frequently call at grocers' shops on business. Should know as much about it as superintendent of police. Never see evasions, strictly speaking, for purpose of doing trade. Have sometimes seen it given, 5762-63. Generally concur with Mr Carstairs, 5764. Have not seen evasion to extent that has been stated, 5766.

THOMSON, ALEXANDER, MERCHANT, GLASGOW. See REV. JAMES A. JOHNSTON.**THOMSON, DAVID, CONTRACTOR, BROUGHTY FERRY :**

Have been for 26 years in Broughty Ferry till 3 years ago, and for previous 6 years had to go a good deal amongst the grocers in Broughty Ferry. Out of 14, I have got liquor from all minus 2, and have seen it frequently got from 12 of them. I have seen females getting drink when they would not be seen going into spirit dealers'. Have seen males and females getting drink on credit, 6567-69. The back shop is generally used for consuming on the premises. They do not sit down, 6570-71. Would suggest entire separation of trades, and shortening of hours, 6572-73. Know of one or two cases of grocers giving drink before the publichouses open, 6574. The breaches of certificate were an habitual practice. During 1870, 71, 72, I think there were 4 or 5 convictions, and the certificate was not forfeited in any of them, 6575-76. Obtained drink, paid for it, and consumed it in almost every licensed grocers' shop in Broughty Ferry, including Mr Miller's, about 6 years ago, 7231-34.

THOMSON, ALEXANDER, LICENSED GROCER, PERTH:

Concur with Mr Daniel McKenzie and Mr George Howat, 7336. Trade is principally with working classes. Would be hardship if could not sell in small quantities, 7336. Those who have licences and do not sell groceries, sell newer whisky, 7337-9. Working people that are my customers are better class than those who frequent public-house, 7340-41. Sell great deal more than 100 gallons of whisky per month in small quantities. Something like 10 to 20 gallons on a Saturday night, 7342-44. Close at 8 o'clock, 7345. Have large grocery business too, 7346. Was bred to the trade, and been 25 years in it, 7347. Shut at 10 on Saturdays. Believe 9 o'clock would suit, 7349-50.

THOMSON, JOHN COMRIE, SHERIFF-SUBSTITUTE OF ABERDEENSHIRE:

Statement, 7384.—Was appointed to present position in January 1866. Proceed on such assumptions as these:—(1) Question is as to regulation not prohibition of drink traffic; (2) necessity for interference and control by law has been already admitted by legislature, and that greater restrictions are called for by public; (3) there must be places where refreshments, in form of alcoholic liquor, can be obtained in small quantities for consumption both on premises and elsewhere; (4) the legislature must guard against making one law for man who can afford to buy in large quantities, and drink at home under comfortable conditions, and another law for man who can only afford to buy small quantity at a time, and has no comfort at home; (5) the abuse of alcohol is (speaking materially) principal factor in production of poverty, misery, and crime. Bad drink is the main cause of the violence so often accompanying drunkenness. This is shown from comparatively small quantity often taken. Have no personal means of knowing of drinking on grocers' premises. Have repeatedly found drink furnished on credit and marked as goods, or under some false name. Not prepared to say that time has come for separation of trades. Give little weight to question of hardship this would be to long established business. Certain reforms would go a long way to prevent the mischief complained of. Propose these:—(1) Illegal drinking to be followed by substantial penalty on consumer as well as seller. (2) No licence granted unless shop be of spacious dimensions, and wholly open to view on entering. Shops should be in leading thoroughfares. (3) A complete, energetic, and constant system of inspection (a) of quantity sold, (b) for detection of evasion. There should be regulations fixing the age when whisky is drinkable. Inspectors of police should be men of high class, well paid. (4) The licensing power should be in the hands of a local board, elected once in three or five years by the ratepayers, and they ought to control number, accommodation, and situation of licensed houses, 7384. Cases of fictitious entries have occurred recently, but not more numerous than formerly. On an average certainly a dozen a year, 7385-87. 'Goods' are generally acknowledged in such cases to mean whisky, 7388-90. Number of cases has not perceptibly diminished since the Wages Arrestment Act, 7392. Have had cases of recovery of small loans to working men, 7393. There should be staff of inspectors apart from the police altogether, 7399. Am not aware of money lenders who do professional business among the working classes, 7340.

THORBURN, WILLIAM, LICENSED GROCER, EDINBURGH:

In business 18 years, including apprenticeship, 1720-21. Fifteen years in licensed shops, 1722. Backshop drinking limited in extent, 1725. 1853 Act quite sufficient to check it, 1725. Grocers should not open till publichouses do, 1726. Present system of licensing likely to be abused, 1727. Sheriff or paid magistrate would be better, 1728. Don't approve of ratepayers having a voice in it, 1731. Hardship to trade and to public to make minimum even of pint, 1733. Have no objection to sealed bottle if small size, 1735. Never knew of servants being treated, 1736. Purchaser should be punished as well as seller, 1739. Groceries not sold cheaper by licensed grocer, 1740. Price of whisky. Profit of 3s. per gallon, 1744.

(App. D, No. 18, p. 492.)

THORNTON, DAVID, SALESMAN, DUNDEE:

There is a factory opposite the shop of a licensed grocer. The men used to go there for drink, and pay it on the Saturdays, 6811-13. They drank in the shop, 6814. This was in 1872, 6816. Do not know of any such cases now, 6817-20.

TINDAL, ROBERT, IRONMONGER, FRASERBURGH:

Am one of the magistrates of Fraserburgh, 7706. Wish to speak to condition of some fishing villages on Aberdeenshire coast, to show that licensed houses may be, if not entirely dispensed with, greatly reduced, and, if

TINDAL, R.—cont.

withdrawn, would prove great advantage to community. If any class more than another requires stimulants, it is the fishing population. Know one village with population of 800. About 12 or 15 years ago 2 licensed houses in it. Intemperance prevailed to great extent, but 10 years ago last of those licenses were withdrawn, and prosperity and comfort of community have since largely increased. Nearest licensed grocer now is 2 miles distant. Village is without poor rates, paupers, or policemen. Another village 5 miles distant has population of 450. Ten or 12 licensed grocers. Matters are the reverse here from former village. Seventeen paupers, or 4 per cent. of population. Name of first village, St Combs; second, Broadsea. Could quote other villages, 7707-9. Condition of population of both villages the same, 7710. Majority of men do not take spirits with them now when going to sea. Part of pay is not given in spirits now, 7712-17. No inconvenience arises from St Combs being 2 miles distant from licensed house, 7718-21. In Fraserburgh great amount of consumption on grocers' premises. Drunkenness similar to other places, 7722-23. Am told by parties who frequent grocers' that they nearly all allow consumption on premises. Think there is attraction in mere evasion of law, 7726-29. In small towns like Fraserburgh there is not great deal of working men's wives getting drink along with groceries, 7730. Grocers' licence creates unjust monopoly, 7732-33. Advocate separation of trades as only real cure. Advantages to be gained from this would be immense as compared with disadvantages of present system. As you lessen facilities for, and temptations to, drinking, you lessen results in proportion, 7734-37. During last 10 years have been 10 complaints and 6 convictions for breaches of grocers' licences. In last 7 only 2 complaints and 2 convictions. Explanation is difficulty in obtaining evidence to convict. Police have done their duty, but have got discouraged, having so often failed. Law is as constantly broken as ever, 7738. Am one of licensing justices. They don't wish to increase licences, but don't see their way to reduce them, 7739-40.

(App. D, No. 37, p. 497.)

TODD, JOHN, LICENSED GROCER, EDINBURGH:

Acquainted with trade in poor districts, 2020. Rarely asked to sell in open vessels, 2021. Sometimes to sell brandy as medicine, 2021. Mark of low establishment to sell in open vessels, 2024. Always sell in corked bottles, 2025. Very little demand for whisky under 2s. 6d. or 3s. a bottle, 2027. No doubt drink is consumed on premises, 2028. Purchaser should be punished as well as seller, 2028. Before 1862 often sold before 8 A.M., 2030-31. 1862 Act stopped this, 2032. Would extend provision of Tippling Act to soap, sugar, &c., 2032. Would be very inconvenient to have no barrel on tap in shop, 2038.

(App. D, No. 23, p. 493.)

TOON, ANDREW, LICENSED GROCER, PORT-GLASGOW:

Generally concur with Mr Ivie Scott, 5439. Mine is a family business, 5440.

TROTTER, GEORGE T., LICENSED GROCER, PARTICK:

Twenty-three years engaged in grocery business in Edinburgh and Glasgow. Am tenant of 2 shops. Rents £120 and £95. No cellarage connected with them owing to this. Having no cask in shop would entail considerable inconvenience, 5445. Police supervision is no necessity for this restriction. It is owing to the laxity of the police that the supervision is not carried out to the full extent. There are 57 licensed houses in Partick, 20 of which are grocers; ratio 1 to 497 persons. Though licences have of late years been restricted. Cases of drunkenness and breaches of peace have increased, 5446. Suggestions.—Government should make licensing districts, with comptroller over each to grant licences, according to suitability of premises, with a fixed minimum amount of cubic space. Licence duty to be increased. Increase to be applied in payment of these officials. This system would stop canvassing of magistrates, 5446. Hours of closing—8 A.M. to 8 P.M. and 10 P.M. on Saturdays. Publichouses 10 P.M. all week. Penalty for first conviction for consumption on premises, forfeit licence on second conviction, 5446. New grocers' licences should be granted under section 47 of English Act of 1872, requiring justice of peace to ascertain value of licensed premises before granting it, 5446. With so many clear feet of cubic space and thorough police supervision, further restriction is unnecessary, 5453. Small places should not be licensed. The law is evaded in that class of house, 5454-56.

TURNER, REV. WM.:

Superintendent of Edinburgh City Mission for five years past, 389. Information received from Bible-women and missionaries, 391. Have perfect reliance in my informants, 392. Memorial from missionaries in Edinburgh, stating conviction of injurious tendencies of

TURNER, REV. W.—cont.

gathered from reports, 400. Some working men have objection to going to publichouse, 408. Fictitious entries are made by grocers, 415. It is common to send children for drink, 425.

USHER, ANDREW, OF MESSRS ANDREW USHER & Co., DISTILLERS, EDINBURGH :

We distil about 3000 gallons a week. We purchase from other distillers to a large extent, 8959. We distil malt whisky only. We have large stores, more than enough for a year's manufacture, but we store other whiskies than our own, 8960-62. Don't sell much malt whisky new. Principally grain whisky that is sold new, 8963. Some malt whisky is sold quite new, 8964-5. Duty is paid, and it goes into consumption at once, 8966. We make it as free as possible from fusel oil. Consider that the process of malting absorbs objectionable oils, 8967. Consider new malt whisky perfectly wholesome, 8968. It fetches a higher price than grain whisky, 8969. Don't agree with those who say malt whisky requires to be kept, 8971. Keeping improves it very much, 8972. It would be a great interference with the trade, but a benefit to the consumer if government required whisky to be kept a certain time. The consumer would have better stuff, but would have to pay more for it, 8976-78. Am now trying a patent for ageing spirits by a M. Vignier. In experiment have found it make a pure spirit. Never heard of Phibb's patent, 8979-81. Opinion as to gases and oils in distillation, 8982-91. We blend spirits. Generally grain whisky, Glenlivet, and our own, 8992-93. We sell brandy, but not Berlin spirit. Don't use it in blending. It is largely used in the trade, chiefly, I believe, in Glasgow, 8994-97. Effect of German spirit when mixed with town water was to produce bright yellow colour. It is very harsh spirit, and fancy they use some chemical process to do away with coarse flavour, 8998. Am not aware that brandy or hock if mixed with water containing iron will produce same colour, 8999, 9004. Many large grocers bond whisky in buying it from us, 9006-7. The poorer tradesmen have to use it more quickly, but the taste for old whisky is increasing, 9008. There would be no hardship if a limit was put on the per centage of fusel oil in spirits, 9009. The wood absorbs great portion of the oil. Keeping renders whisky more wholesome, 9012-14. The cheaper whiskies for which we have orders are the newer whiskies, 9018. Patent I referred to is simply a washing of the steam as it escapes from the still, 9019-23.

(App. D, No. 40, p. 498.)

WALKER, ROBERT MILNE, DEPUTE-CLERK OF THE PEACE FOR THE COUNTY OF ABERDEEN :

Only came to Aberdeen 3 months ago, and cannot therefore speak to schedules which now give to Commission. Statement comprises only licences granted for various districts of county extending back to 1854, 7786-9. Have not had much practice in justice of peace court, Aberdeenshire, but had practice in sheriff courts of Stirlingshire for many years, 7790-1. Grocers suing workmen for accounts is common class of cases there. Liquor was generally marked as 'goods,' &c. Sheriff always disallowed these items, 7792-4. Have heard women confess that these entries were made to prevent husband knowing that they had got spirits. Such cases generally came from mining districts, 7796-8. Saw similar case in Aberdeen the other day, 7799.

WALKER, ALEXANDER, MERCHANT, ABERDEEN :

Here not as member of trade, but to give what information I can, from 40 years' experience. Not prepared to prove that any good would result from separation of trades. Much inconvenience would be felt by public by any such effort, 7993. Much has been said about the evils of the junction of the trades, but very little has been proved. Law as it stands should be carried out more by those who have the right to do it. Rectification will come when power is an imperial one, 7994. Burgh magistrates and county justices do not enforce law. Perhaps sheriff under imperial direction should grant licences, 7995-6. Have no means of knowing if large portion of licensed grocers in Aberdeen violate the law. Do not believe statement that was made, 8000. Do not know of any violations, 8003. Am Dean of Guild of the city, but do not sit on the bench of bailies licensing, 8004-5. Have searched in vain for a reason for separating the trades, 8007.

WALLACE, DR WILLIAM, ANALYST TO CITY OF GLASGOW :

Joint analyst with Mr Robert Tatlock. Been so for about three years. Are professional analytical chemists, that Cove is any worse than other places. In not appeal-

WALLACE, DR W.—cont.

4904-4907. Have examined spirits for consumption from all classes of dealers, 4908-9. Only substances we have found in spirits are sherry and water. Also prune wine largely used in Irish whisky, but very seldom used in Scotch whisky, 4910. These things are supposed to mellow it, 4911. They have no unwholesome effect, and is not adulteration, 4912-13. 34 parts water and 66 proof spirits lowest case we have had, 4917-18. Many samples we have had harsh and raw flavour. Such whiskies not so wholesome as those that have been aged, 4919. This class of whisky chiefly found in lowest class of publichouse, 4921. Have not found it to any extent in grocer's shop, 4923. Fusil oil about 0.1 per cent. on proof spirit, 0.2 on pure alcohol, proof being about half strength of pure, 4924. Fusil oil proportionately neutralised by dilution, 4925. No object in adding fusil oil, quite the reverse, 4927. It diminishes as the spirits gets older, 4928. New raw grain whisky is more injurious than malt whisky, 4931. Two years sufficient to keep malt whisky, but not sufficient for raw grain whisky, 4932. Can tell by examination whether whisky is malt or raw grain, 4933. Have not found adulteration in brandy. Have found dilution, 4934. British brandy, however, is an artificial mixture altogether. We find in it acetic ether and nitric ether, and flavouring materials, as Hungarian wine, 4935. New rum resembles new raw grain whisky, 4936. Two years would be good limit to require spirits to be kept, 4937. Sanitary inspector takes samples and gives them to us to analyse, 4939. Dilution not looked upon as an offence, 4940. Have had no cases of whisky which had effect of making people almost mad through having taken little. Whisky has different effects on different constitutions, 4941. Never found salt in whisky or in beer, 4944-5. It does not follow that whisky is stronger because it is raw grain, 4948. It may be harsher to taste, but not stronger in alcohol. Never found vitriol in whisky. Have searched for it. Don't think such adulteration is practised, 4549.

WATT, WILLIAM SMITH, UNLICENSED GROCER, MUSSELBURGH :

Formerly licensed grocer, 3435. Gave up trade voluntarily on principle, 3437. Have no cause to regret. Was asked sometimes to make fictitious entries. Facilities afforded by grocers tend to increase drunkenness in its worst form, 3438. Trades might be separated in three years without hurting vested interest, 3450. Licensed grocers have advantages over unlicensed, 3454.

WAUCHOPE, ANDREW, SECRETARY OF GLASGOW WINE, SPIRIT, AND BEER TRADE ASSOCIATION :

Statement on behalf of Association.—At meeting, 5th September 1877, unanimously agreed not to take active part in this inquiry, either for or against the licensed grocers. Believe scope of Commission to be confined to that portion of spirit trade, so repudiate and do not acquiesce in any evidence that may be advanced detrimental to interests of holders of publichouse or hotel certificates, 5899.

WEBSTER, MR, LICENSED GROCER, GLASGOW. See MR OGILVY.**WEIR, ALEXANDER, CHIEF CONSTABLE OF THE COUNTY OF KINCARDINE.**

23 hotels, 30 publichouses, and 27 licensed grocers in county to population of 34,651. Ten years ago grocers' licences were increased. Don't think ever exceeded 30 in one year. There have been no new licences for some years. Occasional applications have been refused, 7800-5. Believe in general sense grocers' licences have been well used, but there has been evasion of law in respect of drinking on premises by large number, 7806-8. Very difficult to detect, 7809-10. Don't think that selling liquor at grocers' has had bad effect. It is convenience to families and farmers, 7811-13. Grocers in country districts are generally very small, and have other businesses along with their groceries, or their trade would scarcely pay. Licence should not be given in all cases. There might be hardship in refusing it in some cases, 7814-16. Cannot advocate separation of trades, 7817. Many grocers who sell for consumption on premises would gladly get quit of doing that if they could, but a number of their customers will not take a refusal, 7821-3. Cove was referred to by Rev. Mr Ball, Edinburgh, who gave it a bad character. Don't say it is better, but don't think it is worse than other places similarly situated. He should have given information at the time, so that it might have been stopped. Never heard of it myself. On Aberdeen fast days and holidays there is a great deal of drinking, and great disturbances and breaches of the peace; but it is only on these occasions grocers' licences, 396. I embodied in memorial what I

WEIR, A.—*cont.*

ing to chief constable, Mr Ball, I think, neglected to do what was a public duty, 7824-30.

WELCH-TENNENT, CHARLES, PROVOST OF CUPAR:

Seven hotels, 9 publichouses, and 25 licensed grocers in Cupar, 6457. Population between 5000 and 6000, 6458. The numbers have increased of late years,—hotels by 1, publichouses by 1, and grocers by 8 in last ten years, 6459. Magistrates endeavour to keep down the numbers, 6460. Would refuse to license suitable premises and respectable man if it was thought unnecessary for the district, 6461. Public authority has nothing to do with private circumstances of the trade, but the interest of the public only, 6464. If grocers were not licensed, people would be driven to the publichouse, which would be worse for them, 6465. Spirit shop pure and simple would lead to more dissipation than there now is. It would not work, 6466. Have not had more than two cases of breach by grocers since I became Provost four years ago, 6472. There have been only three convictions since 1847. One of them was for shebeening, 6792. Have no doubt grocers in Cupar generally obey the law, 6473. £15 is about the lowest rent paid in Cupar, 6477. For that a decent shop can be got, 6479. Don't think any alteration of law is required. You might limit hours to 8 or 9 P.M., 6480. Certainly not beyond publichouse hours, 6481.

(App. D, No. 40, p. 498.)

WELSH, JOHN, SUPERINTENDENT OF POLICE, PERTH:

Sixteen years in present office, nine years previously in Greenock, 6174. There are 40 licensed grocers in Perth, 9 of whom do not sell groceries, 6176. There are 27 innkeepers and 39 publichouses, 6176. The greater portion of grocers conduct their business with regularity. A number of them, I think, do not, 6179. There have been 13 convictions against grocers since 1862, 6180. No doubt there is irregularity not detected, 6181. It consists in drinking on premises, 6182. Have known of some selling liquor outside publichouse hours, 6184-86. There should be limit to quart bottle. This might prevent female tippling, 6189, 6212. If grocer can show a licence is necessary for his business he should get it, 6192-99. He could show it by his books or reference to ready cash customers, 6200. If police had more power to enter grocers' shops in some instances it would be a benefit, but if carried to any extent would become an annoyance, 6206. My cure would be limitation of hours, granting only to people in considerable way of business, and limitation to quart bottle, 6206. Very few shops in Perth have dwelling-house attached, 6207. This should not be allowed, 6208. It comes to my knowledge that women get drink from grocers without the knowledge of their husbands, 6210.

WHITE, MISS, GLASGOW. See MRS STEWART, 4542.

WHITE, JOHN, LICENSED GROCER, DUNDEE:

Concur with Mr. David Henderson, 7007.

WHITECROSS, JOHN, LICENSED GROCER, NORTH BERWICK.

Concur with Mr Thorburn (p. 71), 1746. Not common for farm servants to drink in shop, 1748. Never been done in my experience, 1748. Never was asked to make fictitious entry, 1748. Don't think it is done in North Berwick, 1749. 'Aqua' put down for whisky, 1750.

WHYTE, ALEX. S., LICENSED GROCER, GLASGOW:

Concur generally with Mr. John Rodger. Had publican's certificate up to last year. Was turned out by City Improvement Trust. Tried for grocer's licence in locality where publichouse is not allowed. Do not sell provisions. Never pretend to be a grocer. Restrictions required for parties who sell spirits and groceries should not be applied to trade like mine, 5102-4. Would rather invite full inspection than object to it, 5105. Consider it would be evident at once if anyone in my position sold for consumption on premises, 5107. Give no credit at all, 5110. Would not object to hours being shortened, but all licensed houses should have same hours, 5113. Authorities should not object to high prices being paid for goodwills. It is a guarantee that business will be well conducted, 5118. Am opposed to sale in open vessels, 5128. Parties found drinking in shops contrary to the law should be punished as well as seller. Grocers often importuned to sell liquor when they would rather not. Was lately traveller in the trade. In Glasgow licences are not abused. Often saw breaches in other places, 5133. Have seen it when travelling in Grangemouth and Bo'ness, 5135-39.

(App. D, No. 36, p. 497.)

WHYTE, Ex-PROVOST, FORFAR:

Provost of Forfar from 1866 to 1874, 6626. Small grocers are a positive evil to the community, but there are many respectable grocers in the trade, 6627. In small grocers there are breaches of certificate, and they conduct their business in a loose way, 6628. There ought to be a restriction on the amount of drink sold by a grocer. There would be a confiscation of interests, but the general good of the public is of more importance, 6630-32. Think quart bottle sealed is low enough, 6633. The taking away of the licence from grocers would be a hardship to the respectable traders; at the same time, think trades should be dissociated, 6635. If trades were separated another class of shop would spring up. Parties requiring small quantities would then have to go either to the hotels or the publichouses, 6637. There would be difficulties in separating the trades, so would regulate them, 6638. It would be inconvenient to the public to deprive the grocers entirely of the licence, but still the trades should be separated, 6641-43.

WHYTE, J. F., LICENSED GROCER, TAYPORT:

Concur with Mr Peter Miller, except as to requiring person holding licence to be bred to the trade. That would be a great hardship, 7221-22.

WILLIAMSON, JOHN, OF J. & R. WILLIAMSON, WINE MERCHANTS, GLASGOW. See DANIEL CRAWFORD.

WILLIAMSON, THOMAS, TAILOR'S CUTTER, DUNDEE:

Have seen cases of drinking on premises in grocers' shops, three years ago, in Dundee, and about nine at night, 6530-35. Tell these cases from a desire to see trades separated. Present system is a great curse to working men, 6537. Having been brought up among working people have seen much misery caused by it. Believe it is the first cause of drinking among women, 6538-40. Believe there is no need for liquor traffic, have been for life an abstainer, and would desire to reduce the opportunities for drinking, 6541-44. Have known cases of women getting drink unknown to their husbands, 6546. Believe there are cases of fictitious entries. Case that city missionary told witness. Knew of women getting bread and getting it exchanged for whisky at grocer's, 6547.

WILLISON, SUPERINTENDENT OF POLICE, KILMARNOCK:

Number of convictions, as stated by Provost Sturrock, does not represent offences, 4444. There are frequent evasions by drinking on premises, 4445. This would be remedied if police had more power of entry, 4447. It would be a hardship to punish buyer as well as seller. Grocers should not live on licensed premises, 4448. Rental should not be less than £20 in Kilmarnock. Grocers should not be open except when allowed to sell liquor. Number of unlicensed houses 55, 4449.

(App. D, No. 52, p. 505.)

WILSON, REV. JAMES H.:

Minister Free Barclay Church, Edinburgh, 1281. Previous to 1862 was in Fountainbridge, 1282. Originally congregation in poor district, 1283. Increase of grocers large in my district, 1286-87. Believe system to be hurtful, 1291. Travellers treating and female drinking very common, 1291. Go to grocers when they would not to publichouse, 1294. Know cases in my district, 1296. Don't know of spirits being put down as groceries, 1298. Have heard of such cases, 1298. Trades should be separated, 1311. Increase of drinking habits, 1315. Sealed bottle system would not mend matters, 1321. Grocers' vans travelling in country districts injurious, 1321-25.

WILSON, W. M., TOWN CLERK OF GOVAN:

Granting of licences in Govan done by county justices, 3590. Statistics of Govan, 3591-94. In 1876 population 40,000, 70 publichouses and 44 licensed grocers, 3594. There has been increase in last 10 years, 3595. Majority of grocers in Govan are licensed, 3596. Irregular influences in way of canvas frequently brought to bear on justices, 3599. No fixed rule as to size or number of houses, 3600. Jurisdiction of magistrates is limited, 3603. Don't think many grocers in Govan subsist chiefly by sale of spirits, 3605. Magistrates of Govan should have powers of granting licences, 3608. There are no complaints in Govan of there being too few licences, 3612. I am not aware that the system is abused, 3614. Either by treating customers and policemen or making fictitious entries, 3614. Some ratio of licensed house population should be fixed, 3618. 1 to 500 would be fair proportion, 3619. The shops should be fairly open to inspection; there should be no back shop, 3620. Communication between house and shop is objectionable, 3622. If system of competition by auction was introduced capitalist would have all publichouses in their own hands, 3626-29. If numbers are limited too

WILSON, W. M.—*cont.*

much a large monopoly is given to possessors of licences, 3634. Don't think sealed bottle system would be much improvement, 3635. A new form of licence for liquors only not to be consumed on the premises would cause great inconvenience, 3636. People could not get their groceries and liquors at the same shop, 3640. Assuming that grocers abuse their licences good might accrue from their separation.

WILSON, DAVID, COMMERCIAL TRAVELLER, GLASGOW :

Concur generally with Mr Crichton. Travel in Glasgow and neighbouring towns, and in Ayrshire. Am in favour of grocers' licences. Evasion very limited. Am opposed to separation, it would be great hardship to grocers, 5705. Would give licence to any respectable grocer with good character and suitable premises, 5707. Too many spirit shops in Glasgow. Don't concur with Mr Crichton that there should be no publichouse, 5708. Hours should be 8 to 8, and 10 on Saturdays, 5709. Publican and grocer should have same hours, 5710. Necessity to keep open late on Saturday entirely owing to habit of people in purchasing late. If hours were shorter they would soon get out of this habit, 5713. Minimum quantity should be left to discretion of grocer, 5713. Take grocers as a trade, they are most respectable. Don't think they abuse their licence, 5714.

WILSON, JAMES, SUPERINTENDENT OF POLICE, MONTROSE :

Four years in Montrose, 8153; 65 licensed houses, 40 of these grocers; 76 licences, 47 grocers in 1871, 8154-57. Magistrates trying to reduce number. On conviction licences withdrawn. One large grocer got licence since I went. Most of large grocers have licence. Refuse licence to small houses, 8158-64. Seems to be decrease of drunkenness, 8165-67. Four convictions against grocers since became superintendent. Suspect good many smaller grocers for consumption on premises, 8168-71. Very difficult to detect breaches owing to closed up windows and doors. Great benefit if whole shop were visible. People are put on watch. Could not say how many are suspected of thus breaking law, 8172-78. Backshop drinking. Number of dwelling houses are connected with shops. Labouring class prefer grocers' shop to publichouse, as they get it quieter, 8179-83. Have reason to believe that women drink good deal in grocers' shops. Husbands have told me of their wives being led to drink through grocers' shops, 8184-87. Have not heard in Montrose of accounts being disputed, 8188. Grocers do not open before 8, or keep open after 11, 8189-95. Should be great care in licensing at first. People should be respectable. Magistrates generally inspect premises. Always be a temptation to sell drink in smaller shops, 8197-8200.

WISE, WILLIAM, LICENSED GROCER, EDINBURGH :

Member of Association, 2441. Concur generally with Mr George Murray, 2552. Agreeable to gill minimum, 2553. Increase in consumption of spirits owing to prosperity of working classes, 2555. Table showing convictions for illicit distillation, 2556. Increase of deposits in Savings Banks, 2558. Shows increased frugality of working classes, 2558. Magistrates not proper licensing parties, 2558. They are too accessible to private influence, 2558.

(App. D, No. 28, p. 495.)

WOYKA, MRS, GLASGOW :

Know of two reformed drunkards who feel temptation of grocers' shop from seeing liquor before their eyes when purchasing other goods. Don't see why grocers should have licences any more than fleshers or bakers, 4545-46.

WRIGHT, JAMES, LICENSED GROCER :

Concur generally with Mr Cowbrough, 1816. Would prefer to close at 8 P.M., Saturdays 9 P.M., 1816-17. Would wish this hour for all licensed houses, 1819. Never treated, 1825. Not aware of back shop drinking, 1823. Never asked to make fictitious entries, 1824. Licensed grocers don't undersell unlicensed, 1830. Licensed grocers don't make large profit on whisky, 1833.

WRIGHT, BAILIE, IRVINE :

Since 1872, marked increase in drunkenness; this caused by strangers coming to town, 4057. Believe the law to be evaded though licensed grocers are respectable body, 4509. In certain localities there are too many licences, 4510. This leads to more drinking. Licences should be in ratio to population, 4513. There should be restriction as to value of house that has licence, 4514. Reduction of hours would tend to public good, 4516. Not much

WRIGHT, B.—*cont.*

sale in open vessels generally in bottles, 4517. Sealed bottles would not make much improvement in habits, publichouses are so easily available, 4519. If rate of licences was increased according to population, it might reduce small places, 4520.

WRIGHT, R. W. UNLICENSED GROCER, ABERDEEN :

Been in grocery business 14 years. 7 years since gave up licence. Reason for doing so was that I saw evil effects it had on many of my customers, and the impossibility of keeping law. Husbands would bring their wives on pay night to pay their weekly account, and would make their wives have a glass or pint of beer along with them. Some of those are now drunkards through that. In case of drunken wife getting goods on credit, gets grocer to make fictitious entries. These are facts that have come under my notice during time had licence. Licensed grocer is training-school for publichouse. Only remedy is separation of trades, 7910. After giving up licence, business rather increased. Profits diminished a little at first. Do not belong to denomination which objects to its members dealing in liquor. Do not know if any of my customers do, 7912-19. Don't know if any customers get drink from other tradesmen. If licence were removed from grocers would prevent wives deceiving husbands and husbands deceiving their wives. Refer to men getting tobacco marked down for drink. Could point out several cases, 7920-1. One reason for increase of business might be that shop has become more respectable. When licensed, had people always coming in for liquor especially in the morning before 8 o'clock. Believe this is general rule in town, 7922-4.

WYNESS, THOMAS, SUPERINTENDENT OF POLICE, INVERNESS :

Concur with Provost Simpson, 8382. Believe there is considerable amount of drinking on premises of licensed grocers here. A great many windows and doors are still obscured, and it is difficult to see inside. Am often told by people who say they have seen it, but they won't come forward and give evidence, 8383-92. Would have publicans restricted to consumption on premises between 8 A.M. and 10 P.M., no drink to be given to persons under 18. Would have grocers limited to selling drink in corked bottles, pint minimum, between 8 A.M. and 9 P.M. Would prohibit them from selling to persons under 14, whether messengers or not, 8394. Pint would not be too much for family. There would not be serious objections to gill bottle, but think pint preferable, 8396-9. Would increase penalties for breaches, prescription of 3 years extended to 6 years, and would forfeit licence on second conviction. Would apply law which relates to persons found drinking in shebeens to illegal drinking in grocers' shops and publichouses, with considerable increase of penalties, 8400. Can place little dependence on parties found drinking. Have taken glass from their mouths in grocers' shops, and they swore they were only smelling the liquor, and therefore got off, 8401-2. If people were compelled to go to publichouse, would regard separation of trades as a serious injury, 8405. Don't think it is common in this part of the country for working men's wives to get drink at grocer's and thus learn to drink. Do not know of a case of fictitious entry, 8408-9. 17 grocers in Inverness reside under same roof as licensed premises, and all, with one exception, have communication between dwelling-house and shop. Communication should be cut off, 8410-11. Grocers are not so bad here as I have found them in other places. Many here would not contravene law, 8413. Was connected with Aberdeen county police for 6 years, and Elgin burgh police for 6½ years. Have been in Inverness 5½ years, 8416-18. There was good deal of irregularity in Elgin. Young men that went to grocers' shops would, I think, have been afraid to go to publichouse. It is lower class of grocers I refer to in both towns, 8419-24. Licensed grocers in Inverness conduct their business in superior manner than I have observed elsewhere, 8427.

Y.

YEAMAN, JAMES, M.P. FOR DUNDREE :

Was for many years a licensing magistrate, and found grocers a very respectable class of people. Though they sometimes infringe, considering the nature of their business, they should get credit for the way they carry it on, 7077. Do not disbelieve statements of the superintendent of police and his officers, but they may be wrong in their numbers as to suspected shops, 7079. Would not doubt statements of police officers that detection is difficult, 7080. Forbes M'Kenzie Act has done a great deal of good, 7085. Don't think prohibiting grocers to sell

YEAMAN, J.—*cont.*

spirits at all, as originally proposed by Act of 1853, would have done at all. In my experience, when we reduced number of licences, shebeens increased, 7087. They are pretty well put down now, 7088. Don't see how grocers could get on without open utensils in the shop for sale of drink, though their being allowed gives facilities for evasion, 7091-94. Law works well enough now by strict application of it, 7094. Concur with Provost Robertson as to there being only one door. Shops should be open, 7095. Nothing but closed bottles being kept in shop might be an improvement. Bottles should be small, 7097-7100. Do not think sale of liquor and provisions side by side is much abused, 7101. Would approve of

YEAMAN, J.—*cont.*

any change in law to make detection more easy, 7103. There is great hardship to respectable applicant who is refused licence on account of there being already a sufficient number, but they can't all get licences, 7104. There would be no harm in weighting the licensed grocer, so as to balance the one against the other, such as by higher licence duty, 7105-6. Would not allow a licence to low-rented house. £15 is a very low rent in Dundee, 7111-12. Granting licences to sell beer and wine only would give great temptation to infringe the law by selling spirits, 7113-15. Concur with statistics given in yesterday by Provost Robertson, 7119.

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See App. A, p. 390.

CREDIT GIVEN MORE READILY BY GROCER THAN PUBLICAN—See
 List, 1045; Mitchell, 2047; Craster, 2374; Clelland, 3071; Telfer, 3086; Renfrew, 5925; Jamieson, 6693; Robertson, 6736; Hendry, 7703; Report, par. 26.**CRIEFF, EVIDENCE RELATING TO—See**
 Macrosty, 6408.**CROMARTY, COUNTY OF, EVIDENCE RELATING TO—See**
 Munro, 8280.

See also App. A, p. 401; App. B, p. 420.

CROMARTY, BURGH OF—

See App. A, p. 402.

CUBIC SPACE, MINIMUM SHOULD BE FIXED—

See Skinner, 44; Pentland, 2947; Trotter, 5446; Thomson, 7384; Report, par. 41.

CULLEN—

See App. A, p. 385.

CULROSS—

See App. A, p. 387.

CUMBERLAND, COUNTY OF, EVIDENCE RELATING TO—See
 Dunne, 4969.**CUMNOCK, EVIDENCE RELATING TO—See**
 Dalgliesh, 4363.**CUPAR-FIFE, EVIDENCE RELATING TO—See**
 Welch-Tennent, 6457; Hood, 6482; Millar, 6483.**D****DAVIOT, PARISH OF, INVERNESS, EVIDENCE RELATING TO—See**
 MacQueen, 8549; Colvin, 8594.**DECLARATIONS—See**
 MEMORIALS.**DETECTION, DIFFICULTY OF—See**
 Linton, 209; Mackay, 763; List, 1030; Bathgate, 1164; Bremner, 1220; Moscrip, 1395; Lewis, 1527; Porter, 2109; Mathieson, 3173; Mackay, 3258; M'Hardy, 3675; M'Beth, 4416; Menzies, 4476; Dickie, 4525; M'Killop, 4548; Hunter, 4659; Jones, 4686; M'Neill, 5727; Kidston, 5852; Johnston, 5911; Robertson, 6007; Dewar, 6109; Keith, 6157; Welsh, 6182; Stirling, 6242; Mearns, 6396; Clark, 6500; Mitchell, 6559; Matthew, 6805; Munro, 6858; Saunders, 7375; Cadenhead, 7507; Swanson, 7589; Richardson, 7640; Hendry, 7676; Stewart, 7774; Weir, 7809; Robertson, 7836; Esslemont, 7974; Pope, 8074; Wilson, 8172; Hopkins, 8264; Munro, 8294; Wyness, 8386; Stirling, 8532; Report, par. 29.**DINGWALL—**

See App. A, p. 401.

DISTILLERS EXAMINED—Fraser, 8608; Haig, 8667; Menzies, 8857; Usher, 8959.**DRINKING HABITS OF PEOPLE IMPROVED—See**
 Thomson, 1576; Morris, 2591; Robertson, 3994; Breingan, 5342.**DRINKING HABITS OF PEOPLE INCREASED—See**
 List, 1001; Wilson, 1315; Murdoch, 1355; Lewis, 1509; Pirie, 1936; Telfer, 3059; Nisbet, 3334; Macdonald, 4078; Dunnachie, 5961.**DRUNK AND INCAPABLES NOT PROSECUTED IN SOME COUNTIES—See**
 List, 1066; Bremner, 1201; M'Hardy, 3703; Davidson, 3879; Report, par. 60.**DRUNK AND INCAPABLE, PENALTY FOR BEING FOUND, SHOULD BE RAISED—See**
 List, 1066; Jones, 4727; Orkney, 4847; Herbert, 4848; Harper, 5655; Report, par. 60.**DUMBARTON, COUNTY OF, EVIDENCE RELATING TO—See**
 Jenkins, 4311.

See also App. A, p. 387; App. B, p. 421.

See also HELENSBURGH.

DUMBARTON, TOWN OF—

See App. A, p. 387; App. B, p. 422.

DUMFRIES, COUNTY OF, EVIDENCE RELATING TO—See
 Jones, 4676.

See also App. A, pp. 387-388; App. B, p. 423.

See also ANNAN, LOCHMABEN.

DUMFRIES, TOWN OF, EVIDENCE RELATING TO—See
 Malcolm, 3885.

See also App. A, p. 388; App. B, p. 424; App. C, 480-1.

DUNDEE, TOWN OF, EVIDENCE RELATING TO—See
 Mackay, 761; Robertson, 5986; Dewar, 6097; Hay, 6908; Yeaman, 7077.

See also App. A, p. 393; App. B, p. 438.

DUNFERMLINE, EVIDENCE RELATING TO—See
 Mathieson, 3161.

See also App. A, pp. 390-1; App. B, p. 434.

DYSART—

See App. A, p. 391.

E.

EDINBURGH, COUNTY OF, EVIDENCE RELATING TO—*See* List, 2152; Gillespie, 2153; Dundas, 2833.

See also App. B, p. 426.

See also LEITH, MUSSELBURGH, PORTOBELLO.

EDINBURGH, CITY OF, EVIDENCE RELATING TO—*See* Skinner, 1; M'Laren, 92; Linton, 167; Tawse, 323; Wilson, 1281; Lewis, 1503; Cowan, 2238; Campbell, 3294; Anderson, 3507.

See also App. A, p. 389; App. B, p. 427; App. C, pp. 480-1.

ELGIN, COUNTY OF, EVIDENCE RELATING TO—*See* Pirie, 8459.

See also App. A, p. 389; App. B, p. 431; App. C, pp. 480-1.

ELGIN, TOWN OF—

See App. A, p. 390; App. B, p. 432.

EMPLOYERS OF LABOUR EXAMINED—Ewen, 941; Pentland, 2940; M'Killop, 4548; King, 5513; Simpson, 5836; Graham, 6938; Saunders, 7374.

EVASION OF THE LAW IS OF FREQUENT OCCURRENCE—*See* Linton, 214; Mackay, 763; List, 1029; Bremner, 1219; Moscrip, 1391; Anstruther, 1435; Porter, 2108; A. B., 3000; Forsyth, 3026; Coutts, 3029; Clelland, 3076; C. D., 3100; Mathieson, 3173; Ball, 3206; Mackay, 3259; Nisbet, 3319; Normand, 3498; Bell, 4295; Jenkins, 4335; Willison, 4445; Menzies, 4476; M'Killop, 4548; Hunter, 4628; Jones, 4687; M'Hardy, 4774; Johnston, 5911; Russell, 5943; Dewar, 6108; Mearns, 6394; Mitchell, 6558; Thomson, 6575; White, 6628; Boyd, 6697; Matthew, 6800; Munro, 6832; Ross, 7417; Cadenhead, 7488; Swanson, 7590; Richardson, 7636; Robertson, 7833; Gall, 7940; Munro, 7956; Falconer, 7967; Esslemont, 7974; Report, par. 36.

EVASION OF THE LAW IS NOT OF FREQUENT OCCURRENCE—*See* Simpson, 606; Ewen, 948; Cowbrough, 1790; M'Ewen, 1889; List, 2197; Christie, 2545; Calder, 2576; Morris, 2615; Livingston, 2797; Dundas, 2834; Macrae, 2865; Pentland, 2958; Bain, 3556; Kennedy, 3742; M'Call, 3800; Davidson, 3861; M'Culloch, 4132; Orkney, 4822; Herbert, 4822; Lindsay, 5379; Harper, 5638; Hamilton, 5660; Crichton, 5670; Thomson, 5699; Wilson, 5705; Carstairs, 5750; Thomson, 5766; Bruce, 5863; Welch-Tennent, 6473; Clark, 6500; Fox, 6879; Arrot, 7024; Irvine, 7048; Yeaman, 7077; Miller, 7207; Reid, 7368; Cumming, 8206; Murray, 8506; Stirling, 8526; Colvin, 8582.

EVIDENCE SUFFICIENT TO CONVICT, DIFFICULT TO OBTAIN—*See* Linton, 209; Mackay, 813; List, 1028; Bathgate, 1165; Bremner, 1220; Lewis, 1527; Mathieson, 3200; Mackay, 3255; M'Hardy, 3672; Willison, 4445; Menzies, 4478; Hunter, 4660; Jones, 4686; Stirling, 6256; Clark, 6500; Pope, 8074; Wyness, 8392; Pirie, 8470.

EXCISE OFFICERS EXAMINED—Murdoch, 8644; Helm, 9024.

F

FAIR DAYS (HIRING), ALL LICENSED PREMISES SHOULD BE CLOSED ON—*See* Davidson, 3868; Kinnaird, 6334.

FALKIRK—

See App. A, p. 404.

FEMALE DRINKING INCREASED—*See* Linton, 260; Lewis, 1517; Adamson, 2386; Goodfellow, 3064; Ball, 3239; Robertson, 4015; Hodge, 4221; Sturrock, 4424; Keith, 6153; Welsh, 6212; Mitchell, 6561.

FEMALE DRINKING NOT SO PREVALENT IN TOWNS WHERE UNLICENSED CO-OPERATIVE STORES EXIST—*See* Lewis, 1558.

FEMALE DRINKING, SYSTEM OF GROCERS' LICENCE AFFORDS FACILITIES FOR—*See* Wilson, 1291; Murdoch, 1351; Lewis, 1519; List, 2236; Shearer, 2282; Adamson, 2386; A. B., 3000; Hetheron, 3053; Telfer, 3059; C. D., 3120; E. F., 3133; Ball, 3236; Nisbet, 3325; Thomson, 3402, 3434; Murray, 3959; Robertson, 4015; Chalmers, 4142; Hodge, 4209; Orr, 4242; Jenkins, 4330; Menzies, 4468; Stewart, 4542; Fulton, 4543; M'Killop, 4548; M'Neill, 5727; Johnston, 5911; Renfrew, 5925; Fairless, 5927; Henderson, 5929; Russell, 5949; Reid, 5971; Keith, 6153; Welsh, 6212; Williamson, 6539; M'Intosh, 6590; Jamieson, 6688; Crooka, 6721; Harvey, 6745; Matthew, 6807; Munro, 6821; Saunders, 7375; Wilson, 8184-7.

FICTITIOUS ENTRIES COMMON—*See* Murdoch, 1351; Gillespie, 2170; A. B., 3000; Clelland, 3068; E. F., 3157; Normand, 3498; Macdonald, 4052; Cook, 4181; Campbell, 4188; Clark, 4195; Menzies, 4468; Dickie, 4532; M'Killop, 4548; Hunter, 4672; M'Hardy, 4790; Clark, 5040; Simpson, 5836; Johnston, 5911; Renfrew, 5925; Reid, 5971; Barclay, 6362; Currie, 6439; M'Intosh, 6589; Jolly, 6598; G. H., 6621; Dickson, 6675; Crooka, 6721; Robertson, 6729; Lamond, 6782; Thomson, 7384; Walker, 7793-99; Wright, 7910; Gall, 7940—Report, par. 33.

FICTITIOUS ENTRIES SELDOM MADE—*See* Adamson, 2397; Campbell, 3295; Bain, 3556; Spens, 4001; M'Culloch, 4102; Campbell, 4359; Colvin, 8583-4.

FICTITIOUS ENTRIES MADE TO EVADE "TIPPLING ACT"—*See* Robertson, 3389; Dickie, 4532; Clark, 5045; Barclay, 6367.

FICTITIOUS ENTRIES NEVER MADE—*See* Thomson, 1580; Whitecross, 1728; Wright, 1814; Henderson, 1916; Calder, 2568; Stewart, 2624; Macrae, 2862; Robertson, 3388; Bowie, 3480; Ford, 3480; Hunter, 3494; Heron, 5391; Orr, 5419; Scott, 5426; Crichton, 5678; Wilson, 5713; Carstairs, 5750; Ormiston, 5778; Bryce, 5817; Taylor, 5891; Shield, 6294; Kewans, 6644; Fox, 6879; M'Intyre, 7154; Mackenzie, 7302; Stevens, 8032; Cumming, 8206.

FIFE, COUNTY OF, EVIDENCE RELATING TO—*See* Bremner, 1192.

See also App. A, p. 390; App. B, p. 433; App. C, pp. 482-3.

See also ANSTRUTHER, W., CRAIL, CUPAR, DUNFERMLINE, DYSART, INVERKEITHING, KILRENNY, NEWBURGH, PITTENWEEM, ST ANDREWS.

FINE FOR BEING FOUND DRUNK AND INCAPABLE SHOULD BE RAISED—*See* DRUNK AND INCAPABLE.

FOREMEN OF WORKS EXAMINED—*See* WORKING MEN.

FORFAR, COUNTY OF, EVIDENCE RELATING TO—*See* Keith, 6142; Currie, 6438.

See also App. A, p. 392; App. B, p. 435; App. C, pp. 480-1.

See also ARBROATH, BRECHIN, DUNDEE, KIRRIEMUIR, MONTROSE.

FORFAR, TOWN OF, EVIDENCE RELATING TO—*See* Stirling, 6213; Whyte, 6626; Reid, 7351.

See also App. A, p. 392; App. B, p. 439; App. C, pp. 482-3.

FORRES—

See App. A, p. 390.

FORTROSE—

See App. A, p. 402.

FRASERBURGH, EVIDENCE RELATING TO—*See* Hendry, 7667; Tindal, 7706.

FUSEL OIL, A NECESSARY INGREDIENT OF NEW WHISKY—*See* Thomson, 1683; Macrae, 2878; Spens, 3997; Barras, 5590; MacRosty, 6432; Brazier, 8082-4; Haig, 8698; Menzies, 8870; King, 8939; Somerville, 9083.

FUSEL OIL CAN BE EXTRACTED TO A CERTAIN EXTENT—*See* Spens, 3997; Brazier, 8102; Fraser, 8609; Haig, 8700, 23; Menzies, 8865; Usher, 8967; Report, par. 70.

FUSEL OIL INJURIOUS—*See* Thomson, 1683; Spens, 3997; Tatlock, 4926; Brazier, 8082; Mackenzie, 8449; Somerville, 9064.

G

GALASHIELS, EVIDENCE RELATING TO—*See* Thomson, 1672; Mackay, 3243.

See also App. A, p. 403; App. B, p. 471; App. C, pp. 484-5.

GERMAN SPIRITS USED FOR BLENDING—*See* Fraser, 8629-38; Murdoch, 8656; Haig, 8771-80; Ford, 8790; Usher, 8997; Somerville, 9038.

GIFFORD, VILLAGE OF, EAST LOTHIAN, EVIDENCE RELATING TO—*See* Shearer, 2271; Thomson, 3393.

GILL BOTTLE MINIMUM, THERE SHOULD BE—*See* GROCERS.

GLASGOW, EVIDENCE RELATING TO—*See* Bain, 3523; M'Call, 3764; Osborne, 4746; Lang, 4857; Scott, 4874; Lindsay, 5375.

See also App. A, pp. 396-7; App. B, p. 449.

See also GOVAN, HILLHEAD, MARYHILL, PARTICK, RUTHERGLEN.

GOODS, ENTRY OF SPIRITS AS—*See* FICTITIOUS ENTRIES.

GOVAN, BURGH OF, EVIDENCE RELATING TO—*See* Wilson, 3588; Barras, 5580.

See also App. A, p. 397; App. B, p. 451.

GREENOCK, EVIDENCE RELATING TO—*See* M'Culloch, 4099; Orr, 4230; Campbell, 4358.

See also App. A, p. 400; App. B, p. 462.

GROCERS, LICENSED, EXAMINED—

EDINBURGH—Thomson, 1572; Thorburn, 1719; Whitecross, 1746; Balfour, 1751; Cowbrough, 1789; Wright, 1816; Rae, 1836; Dawson, 1858; M'Ewen, 1876; Henderson, 1902; Buchanan, 1919; Fisher, 1940; Bleloch, 1957; Meikle, 1988; Todd, 2019; Mungall, 2297; Brooke, 2424; Murray, 2440; Dickson, 2492; Christie, 2510; Wise, 2549; Calder, 2566; Thomson, 2578; Stewart, 2620; Robertson, 3362; Ford, 3464; Bowie, 3480; Gill, 3489; Hunter, 3494.

GLASGOW—Rodger, 5055; Whyte, 5102; Johnstone, 5140; M'Gillivray, 5255; Kennedy, 5299; Heron, 5391; M'Lauchlan, 5401; Campbell, 5410; Orr, 5412; Scott, 5426; Neill, 5436; Toon, 5439; Fairbairn, 5442; Trotter, 5445; Kennedy, 5457; Anderson, 5463; Macfarlane, 5471; Redpath, 5471; M'Adam, 5472; Ogilvie, 5488; Forbes, 5508; Lawrie, 5512; Provan, 5512; Fraser, 5512; Jackson, 5512; Kirkland, 5512; Webster, 5512; Carstairs, 5750; Thomson, 5760; Taylor, 5891; Butler, 5893.

DUNDEE—Kewans, 6644; Christison, 6653; Fox, 6879; Durward, 6907; Henderson, 6965; White, 7007; Brew, 7007; Mann, 7007; M'Intyre, 7153; Miller, 7158; White, 7221; Mackenzie, 7302; Howat, 7322; Stewart, 7335; Thomson, 7336.

ABERDEEN—Durie, 7741; Moir, 7757; Raeburn, 7883; Angus, 7925; Walker, 7993; Smart, 8009; Smith, 8017; Stevens, 8032; Littlejohn, 8040; Cumming, 8201; Masson, 8224.

GROCERS, UNLICENSED, EXAMINED—

EDINBURGH—MacGregor, 426; Salmond, 524; Simpson, 591; Mitchell, 2039; Gibson, 3007; Forsyth, 3021; Coutta, 3028; Johnston, 3035; Watt, 3435; Robertson, 3436.

GLASGOW—Henderson, 5929; Harvey, 5935; Russell, 5941.

DUNDEE—Hislop, 6515; Matthew, 6800; Munro, 6821; Carnegie, 7288.

ABERDEEN—Adams, 7901; Wright, 7910.

INVERNESS—Simpson, 8337; Burns, 8562.

GROCERS' LICENCE OBJECTIONABLE IN PRINCIPLE AND INJURIOUS TO PEOPLE—*See* Simpson, 600; Smith, 843; Miller, 900; Menzies, 938; Wilson, 1291; Lewis, 1520; Mitchell, 2047; Porter, 2150; Craster, 2365; Adamson, 2387; A. B., 3000; Hetherington, 3054; Telfer, 3059; E. F., 3133; Thomson, 3396; Watt, 3438; Anderson, 3515; Stewart, 4542; M'Neil, 5727; Johnston, 5911; Renfrew, 5925; Fairless, 5927; MacRosty, 6413; Harvey, 6745; Munro, 6821; Saunders, 7375; Adams, 7902; Wright, 7910; Angus, 7925; Pirie, 8469; MacQueen, 8549; Report, par. 56.

GROCER'S LICENCE GRANTED WHERE PUBLIC-HOUSE REFUSED—*See* M'Laren, 101; Linton, 181; Henderson, 724; Bremner, 1263; Gillespie, 2160; Dundas, 2854; Bain, 3541; Keith, 6146; Cadenhead, 7533—Report, par. 17.

GROCERS SHOULD NOT BE ALLOWED TO SELL SPIRITS, ONLY WINE AND BEER—*See* M'Laren, 93; Henderson, 742; Mackay, 794; Anstruther, 1484; Brooke, 2430.

GROCERS SHOULD NOT RESIDE ON PREMISES—*See* COMMUNICATION.

GROCERS' SHOPS SHOULD ONLY BE OPEN WHEN PUBLICHOUSES ARE OPEN—*See* Tawse, 374; Laurie, 880; Cowbrough, 1794; Wright, 1819; Dawson, 1860; Cowan, 2254; Calder, 2570; Bain, 3543; M'Call, 3808; Campbell, 4361; Dickie, 4528; Osborne, 4757; Lang, 4871; Macfarlane, 5471; Wilson, 5710; Keith, 6173; Kinnaird, 6314; Clark, 6511; Henderson, 6993; Ross, 7436; Cadenhead, 7492; Hendry, 7693; Stirling, 8545.

GROCERS' SHOPS SHOULD NOT BE OPEN EXCEPT WHEN ALLOWED TO SELL LIQUOR—*See* Linton, 234; Tawse, 372; Anstruther, 1462; Grant, 2931; Mackay, 3279; M'Hardy, 3685; Willison, 4449; Menzies, 4491; Robertson, 6046.

GROCERS SHOULD BE RESTRICTED TO SELL QUART BOTTLE MINIMUM—*See* Simpson, 630; Smith, 844; List, 1056; Anstruther, 1452; Thomson, 3426; Davidson, 3866; Jenkins, 4329; M'Beth, 4418; Sturrock, 4441; Jones, 4691; Welsh, 6189; MacRosty, 6411; Whyte, 6633; Report, par. 48.

GROCERS SHOULD BE RESTRICTED TO SELL PINT BOTTLE MINIMUM—*See* Skinner, 70; Henderson, 742; Mackay, 797; Fisher, 1964; Morris, 2606; Bain, 3556; M'Call, 3812; Kennedy, 5303; King, 5530; Kidston, 5846; Graham, 6957; Smith, 8023; Wyness, 8394-99; Simpson, 8575; Report, par. 48.

GROCERS SHOULD BE RESTRICTED TO SELL GILL BOTTLE MINIMUM—*See* Thomson, 1612; Thorburn, 1735; Cowbrough, 1814; Rae, 1851; M'Ewen, 1883; Christie, 2541; Wise, 2553; Richardson, 2741; Livingston, 2813; Johnstone, 5157; Report, par. 48.

GROCERS SHOULD NOT BE RESTRICTED AS TO QUANTITY—*See* Thomson, 1608; Wright, 1826; Rae, 1848; Cowan, 2262; Mungall, 2338; Stewart, 2664; Dundas, 2834; Grant, 2922; Pentland, 2959; Robertson, 3384; Orkney, 4824; Trotter, 5446; Ogilvie, 5489; Wilson, 5713; Butler, 5895; Johnstone, 5911; Robertson, 6044; Clark, 6513; Fox, 6879; Henderson, 6977-86; Irvine, 7050; M'Intyre, 7154; Miller, 7209; Howat, 7322; Thomson, 7336; Raeburn, 7900; Cumming, 8206; Masson, 8242.

GROCERS' CARTS SELLING IN COUNTRY DISTRICTS DO HARM—*See* Ewen, 980; List, 1093; Bathgate, 1186; Wilson, 1321; Moscrip, 1417; Porter, 2123-46; List, 2203; Macrae, 2866; Gibson, 3051; Telfer, 3087; M'Hardy, 3676; Johnston, 5911; Dumnachie, 5958; Barclay, 6389; Ross, 7403; Esslemont, 7974; Leslie, 8600; Report, pars. 34, 65.

H

HADDINGTON, COUNTY OF, EVIDENCE RELATING TO—*See* List, 998; Davidson, 2687.

See also App. A, pp. 393-4; App. B, p. 442; App. C pp. 478-9.

See also GIFFORD, NORTH BERWICK.

HADDINGTON, TOWN OF, EVIDENCE RELATING TO—*See* Richardson, 2728.

See also App. A, p. 394.

HAMILTON—

See App. A, p. 397; App. B, p. 452.

HAWICK, EVIDENCE RELATING TO—*See* Ewen, 941.

See also App. A, p. 402; App. B, p. 468.

HELENSBURGH, EVIDENCE RELATING TO—*See* Breingan, 5323.

HILLHEAD, EVIDENCE RELATING TO—*See* Bruce, 5854.

HIRING FAIR DAYS, ALL LICENSED PREMISES SHOULD BE CLOSED ON—*See* FAIR DAYS.

HOURS SHOULD BE SAME AS PUBLICHOUSES—*See* GROCERS SHOULD ONLY BE OPEN WHEN PUBLICHOUSES ARE OPEN.

HOURS OF SALE SHOULD BE SHORTENED—*See* Tawse, 370; Laurie, 880; Ewen, 991; List, 1040-99; Lewis, 1530; Thorburn, 1725; Balfour, 1763; Cowbrough, 1790; Wright, 1819; Dawson, 1859; Fisher, 1949; Cowan, 2250; Christie, 2514; Murray, 2527; Calder, 2570; Stewart, 2624; Davidson, 2706; Richardson, 2763; Livingston, 2799; Macrae, 2883; Pentland, 2960; Mathieson, 3178; Mackay, 3279; Robertson, 3362; Thomson, 3434; Ford, 3467; Bain, 3547; M'Hardy, 3685; Kennedy, 3748; M'Culloch, 4123; Orr, 4271; Jenkins, 4338; M'Beth, 4421; Sturrock, 4435; Willison, 4449; Jones, 4716; Osborne, 4757; Whyte, 5113; Johnstone, 5151; Orr, 5250; M'Gillivray, 5277; Kennedy, 5318; Breingan, 5363; Scott, 5426; Neill, 5437; Trotter, 5446; Macfarlane, 5471; M'Adam, 5474; Ogilvie, 5489; Crichton, 5688; Wilson, 5709; Anderson, 5773; Simpson, 5842; Kidston, 5846; Robertson, 6045; Keith, 6169; Welsh, 6206; Shield, 6295;

HOURS OF SALE SHOULD BE SHORTENED—*cont.*

Welch-Tennent, 6480; Thomson, 6572; Kewans, 6644; Christison, 6653; Fox, 6886; Graham, 6957; Henderson, 6993; M'Intyre, 7154; Miller, 7209; Stewart, 7277; Carnegie, 7300; Mackenzie, 7314; Reid, 7363; Raeburn, 7890; Esslemont, 7974; Stevens, 8034; Pope, 8074; Wyness, 8394; Stirling, 8545; Simpson, 8575; Report, pars. 24, 51-52.

I

ILLICIT SALES—*See* SHEBERNS.

INCHTURE, PARISH OF, EVIDENCE RELATING TO—*See* Honey, 7123.

INSPECTORS APART FROM POLICE SHOULD BE APPOINTED—*See* Thomson, 7399; Ross, 7468.

INVERARY—

See App. A, p. 383; App. D, pp. 494-5.

INVERKEITHING—

See App. A, p. 391.

INVERNESS, COUNTY OF, EVIDENCE RELATING TO—*See* Murray, 8501; Colvin, 8581.

See also App. A, p. 394; App. B, p. 443.

See also DAVIOT.

INVERNESS, TOWN OF, EVIDENCE RELATING TO—*See* Simpson, 8337, 8575; Wyness, 8382; Mackenzie, 8428.

See also App. A, p. 394; App. B, p. 444.

INVERURIE, EVIDENCE RELATING TO—*See* Hopkins, 8260.

See also App. A, p. 382.

IRVINE, EVIDENCE RELATING TO—*See* Dickie, 4493, 4521; Wright, 4507; Orr, 5207.

J

JEDBURGH—

See App. A, p. 403.

JOHNSTONE—

See App. A, p. 400.

JUSTICES OF PEACE CLERKS EXAMINED—*See* PUBLIC OFFICIALS.

JUSTICES OF PEACE EXAMINED—*See* MAGISTRATES.

K

KELSO, EVIDENCE RELATING TO—*See* Moscrip, 1375.

See also App. A, p. 403; App. B, p. 469.

KILMARNOCK, EVIDENCE RELATING TO—*See* Sturrock, 4422; Willison, 4444.

See also App. A, p. 384; App. B, p. 412.

KILRENNY—

See App. A, p. 391.

KINCARDINE, COUNTY OF, EVIDENCE RELATING TO—*See* Weir, 7800.

See also App. A, p. 395; App. B, p. 445.

KINROSS-SHIRE—

See App. A, p. 395; App. B, p. 446.

KINTORE, EVIDENCE RELATING TO—*See* Masson, 8224.

See also App. A, p. 382.

KIRKCUDBRIGHTSHIRE, EVIDENCE RELATING TO—*See* Davidson, 3844.

See also App. A, p. 395; App. B, p. 447.

See also MAXWELLTOWN.

KIRKCUDBRIGHT, TOWN OF—

See App. A, p. 395.

KIRKWALL—

See App. A, p. 399.

KIRRIEMUIR—

See App. A, p. 393; App. B, p. 440.

L

LANARK, COUNTY OF, EVIDENCE RELATING TO—*See* M'Hardy, 3645; Spens, 3996; Simpson, 5836.

See also App. A, p. 396; App. B, p. 448.

See also AIRDRIE, GLASGOW, GOVAN, HAMILTON, MART-HILL, PARTICK, RUTHERGLEN.

LANARK, TOWN OF—

See App. A, p. 397.

LAW AS AT PRESENT SUFFICIENT IF STRICTLY CARRIED OUT—*See* Thomson, 1638; Fisher, 1974; Davidson, 2692; Mathieson, 3193; Kennedy, 3747; Scott, 5426; Ogilvie, 5496; Crichton, 5670; Welch-Tennent, 6480; Irvine, 7060; Yeaman, 7094; Miller, 7163; Mackenzie, 7310; Durie, 7746; Walker, 7994.

LEITH, EVIDENCE RELATING TO—*See* Henderson, 710; Grant, 2890; Pentland, 2940; Helm, 9024.

See also App. A, p. 389; App. B, p. 428.

LICENCE DUTY SHOULD BE RAISED—*See* Richardson, 2766; Grant, 2931; Bain, 3553; Sturrock, 4432; Trotter, 5446; Yeaman, 7106; Reid, 7363; Saunders, 7383; Burns, 8574; Report, par. 69.

LICENCES SHOULD BE GRANTED BY SHERIFF OR STIPENDIARY MAGISTRATE—*See* Thorburn, 1727; Malcolm, 3935; Boyd, 6697; Walker, 7996; Mackenzie, 8456.

LICENCES, INFLUENCE IS BROUGHT TO BEAR ON MAGISTRATES TO GRANT—*See* Thordburn, 1727; Wise, 2558; Wilson, 3599; Sturrock, 4439; Johnston, 5920; Robertson, 6076; Mackenzie, 8456.

LICENCES SHOULD BE GRANTED IN PROPORTION TO POPULATION—*See* Wilson, 3618; Sturrock, 4429; MacRosty, 6428; Boyd, 6701; Ross, 7444; Leslie, 8600.

LICENCE, THERE SHOULD BE, TO SELL LIQUOR ONLY, NOT TO BE CONSUMED ON THE PREMISES—*See* Simpson, 623; Wilson, 1330; Porter, 2150; Brooke, 2430; Mackay, 3278; Robertson, 3370; Anderson, 3520; M'Hardy, 3665; Davidson, 3858; Herbert, 4851; Crawford, Buchanan, Williamson, 4950; Ogilvie, 5495; King, 5531; Taylor, 5618; Robertson, 6030; Barclay, 6373; MacRosty, 6415; Boyd, 6701; Saunders, 7375; Simpson, 8365-72; Mackenzie, 8443; Leslie, 8600.

LICENSED GROCERS EXAMINED—*See* GROCERS.

LICENSED GROCER HAS UNDUE ADVANTAGE OVER UNLICENSED GROCER—*See* Mitchell, 2047; Adamson, 2397; Brooke, 2437; Dundas, 2841; Gibson, 3007; Johnston, 3035; Thomson, 3406; Murray, 3957; M'Culloch, 4113; Campbell, 4360; Dalgliesh, 4371; Scott, 4892; Anderson, 5770-4; Simpson, 5836; Johnston, 5911; Henderson, 5929; Robertson, 6027; MacRosty, 6421; M'Intosh, 6586; Lamond, 6778; Matthew, 6810; Munro, 6821; Hay, 6928; Arrot, 7028; Tindal, 7732; Adams, 7902; Burns, 8562; Leslie, 8604; Report, par. 54-55.

LINLITHGOW, COUNTY OF—

See App. A, p. 398; App. B, p. 455. *See also* QUEENS-FERRY.

LOCHMABEN—

See App. A, p. 388.

M

MAGISTRATES EXAMINED—PROVOSTS, CHIEF MAGISTRATES, BAILIES, CONVENERS OF COUNTIES, AND JUSTICES OF PEACE.

See also SHERIFFS.

EDINBURGH—Tawse, 323; Henderson, 710; Laurie, 856; Ewen, 941; Lewis, 1503; Haig, 2068; Livingston, 2794; Dundas, 2833; Pentland, 2940; Mathieson, 3161.

GLASGOW—Bain, 3523; Kennedy, 3719; Murray, 3945; Robertson, 3979; Dalgliesh, 4363; Sturrock, 4422; Wright, 4507; Orkney, 4799; Scott, 4874; Breingan, 5323; Lindsay, 5375; King, 5513; Simpson, 5836; Kidston, 5846.

DUNDEE—Robertson, 5986; Shield, 6266; Smythe, 6337; MacRosty, 6408; Welch-Tennent, 6457; Hood, 6482; Millar, 6483; Clark, 6496; Carnegie, 7288; Reid, 7351.

ABERDEEN—Tindal, 7706; Masson, 8224; Hopkins, 8260.

MAGISTRATES EXAMINED—cont.

INVERNESS—Simpson, 8337 and 8575; Leslie, 8598.

MANAGERS OF WORKS EXAMINED—See WORKING MEN.**MANUFACTURES, PERSONS ENGAGED IN, EXAMINED—See EMPLOYERS OF LABOUR.****MANUFACTURES, PERSONS EMPLOYED IN, EXAMINED—See WORKING MEN.****MARYHILL, EVIDENCE RELATING TO—See Robertson, 3979.**

See also App. A, p. 397; App. B, p. 453.

MAXWELLTOWN—

See App. A, p. 396.

MEDICAL PRACTITIONERS EXAMINED—Henderson, 710; Laurie, 856; Miller, 900; Menzies, 938; Morris, 2589; Macrae, 2860; Robertson, 4015; Barras, 5580; Taylor, 5581; Fairless, 5926; Arrot, 7021; Henderson, 8428.

See also ANALYSTS.

MEDICINE, SPIRITS NOT REQUIRED AS—See Morris, 2591; Fairless, 5927.**MEMBERS OF PARLIAMENT EXAMINED—M'Laren, 92; Anstruther, 1432; Cowan, 2238; Macdonald, 4044; Yeaman, 7077.****MEMORIALS, PROTESTS, DECLARATIONS, AND REPRESENTATIVE WITNESSES—Turner, 394; Miller, 900; Thomson, 1580; Balfour, 1751; Fisher, 1940; Mitchell, 2047; Murray, 2441; Robertson, 4015; Stewart, 4542; Crawford, 4950; Orr, 5212; Ogilvy, 5488; Wauchope, 5899; Johnston, 5901; Fairless, 5927; Kewana, 6644; Christison, 6653; Munro, 6821; Fox, 6879; Henderson, 6966.**

See also App. D, No. 53, p. 506.

MESSANGER, CHILDREN SHOULD NOT BE SUPPLIED AS—See CHILDREN.**MINIMUM QUANTITY, THERE SHOULD BE—See GROCERS.****MINIMUM CUBIC SPACE—See CUBIC SPACE.****MINIMUM QUANTITY, OBJECT TO FIXED—See GROCERS.****MINIMUM RENT—See RENT.****MISSIONARIES EXAMINED—See CLERGYMEN.****MONEY LENDING TO WORKING MEN—See Gillespie, 2170; E. F., 3134; Murray, 3961; Spena, 4007; Thomson, 7393.****MONTROSE, EVIDENCE RELATING TO—See Wilson, 8153.**

See also App. A, p. 393; App. B, p. 441.

MUSSELBURGH, EVIDENCE RELATING TO—See Laurie, 856.

See also App. A, p. 389; App. B, p. 429.

N**NAIRN, COUNTY OF, EVIDENCE RELATING TO—See Stirling, 8525.**

See also App. A, p. 398; App. B, p. 456.

NAIRN, TOWN OF, EVIDENCE RELATING TO—See Leslie, 8598.

See also App. A, p. 399.

NEW WHISKY, UNWHOLESOME—See WHISKY.**NEWBURGH, EVIDENCE RELATING TO—See Clark, 6496.****NORTH BERWICK—**

See App. A, p. 394.

O**OBAN—**

See App. A, p. 383.

OPEN VESSELS, SALE SHOULD NOT BE ALLOWED IN—See Skinner, 69; Henderson, 744; Anstruther, 1443; Richardson, 2741; Livingston, 2809; Pentland, 2958; Bain, 3556; Orr, 4271; Campbell, 4360; Robertson, 6042; Graham, 6960. Report, par. 53.**ORKNEY—**

See App. A, p. 399; App. B, p. 457; App. C, pp. 482-3.

See also KIRKWALL.

P**PAISLEY, EVIDENCE RELATING TO—See Murray, 3945.**

See also App. A, p. 401; App. B, p. 463; App. C, pp. 482-3.

PARTICK, EVIDENCE RELATING TO—See Kennedy, 3719.

See also App. A, p. 398; App. B, p. 454.

PEEBLES, COUNTY OF, EVIDENCE RELATING TO—See Bathgate, 1144.

See also App. A, p. 399; App. B, p. 458.

PENALTIES SHOULD BE INCREASED—See DRUNK AND INCAPABLE.**PERTH, COUNTY OF, EVIDENCE RELATING TO—See Kinnaird, 6300; Smythe, 6337; Barclay, 6353; Mearns, 6390.**

See also App. A, p. 400; App. B, p. 459.

See also BLAIRGOWRIE, CRIEFF.

PERTH, CITY OF, EVIDENCE RELATING TO—See Welsh, 6174; Barclay, 6353.

See also App. A, p. 400; App. B, p. 460.

PETERHEAD, EVIDENCE RELATING TO—See Richardson, 7631.

See also App. A, p. 383.

PINT BOTTLE MINIMUM, THERE SHOULD BE—See GROCERS.**PITTENWEEM—See App. A, p. 391.****POLICE—CHIEF CONSTABLES, SUPERINTENDENTS, INSPECTORS, Examined—**

EDINBURGH—Linton, 167; Mackay, 761; List, 998; Bremner, 1192; Moscrip, 1375; Porter, 2096; List, 2152; Grant, 2890; Mackay, 3243.

GLASGOW—M'Hardy, 3645; M'Call, 3764; Davidson, 3844; Malcolm, 3885; Orr, 4230; Jenkins, 4311; Willison, 4444; Menzies, 4452; Hunter, 4613; Jones, 4676; M'Hardy, 4772; Dunne, 4969; M'Neil, 5726.

DUNDEE—Dewar, 6097; Keith, 6142; Welsh, 6174; Stirling, 6213; Mearns, 6390.

ABERDEEN—Ross, 7402; Swanson, 7573; Richardson, 7631; Hendry, 7667; Steuart, 7764; Weir, 7800; Robertson, 7831; Mearns, 7859; Pope, 8074; Wilson, 8153.

INVERNESS—Munro, 8280; Wyness, 8382; Pirie, 8459; Murray, 8501; Stirling, 8525.

POLICE, POWERS AS AT PRESENT ARE SUFFICIENT—See Thorburn, 1725; Balfour, 1767; Murray, 2450-86; Lang, 4872; Stirling, 6248.**POLICE SHOULD HAVE MORE POWER OF ENTRY—See Linton, 213; Salmond, 560; Mackay, 821; List, 1030-97; Bremner, 1260; Anstruther, 1452; Lewis, 1527; Porter, 2114; List, 2196; Adamson, 2397; Grant, 2932; Pentland, 2960; Mackay, 3260; Thomson, 3434; Campbell, 4361; M'Beth, 4417; Sturrock, 4435; Willison, 4447; Dickie, 4525; Hunter, 4642; Jones, 4721; Orr, 5250; Trotter, 5466; Ogilvie, 5497; King, 5530; Kidston, 5851; Reid, 5979; Robertson, 6007; Dewar, 6113; Welsh, 6205; Munro, 6878; M'Intyre, 7154; Ross, 7403; Swanson, 7607; Richardson, 7649; Munro, 8308; Colvill, 8588; Report, para. 30, 40.****POLICE, TREATING—See TREATING.****PORT-GLASGOW—See Bell, 4287.**

See App. A, p. 401; App. B, p. 464; App. C, pp. 484-5.

PORTOBELLO—

See App. B, p. 430.

PREMISES, GROCERS SHOULD NOT RESIDE ON—See COMMUNICATION, &c.**PREMISES, CONSUMPTION ON—See CONSUMPTION.****PROCURATORS-FISCAL, Examined—See PUBLIC OFFICIALS.****PROTESTS—See MEMORIALS.****PUBLIC OFFICIALS EXAMINED—PROCURATORS-FISCAL, SHERIFF CLERKS, JUSTICE OF PEACE CLERKS, TOWN CLERKS, COUNCILLORS.**

PUBLIC OFFICIALS—*cont.**See also SHERIFFS.*

EDINBURGH—Skinner, 1; Bathgate, 1144; Gillespie, 2153; Davidson, 2687; Richardson, 2728; Campbell, 3294.

GLASGOW—Wilson, 3588; M'Culloch, 4099; M'Beth, 4401; Dickie, 4493, and 4521; Osborne, 4746; Herbert, 4798; Lang, 4857; Clark, 5026; Burt, 5900.

DUNDEE—Currie, 6438; Hay, 6908.

ABERDEEN—Cadenhead, 7477; Walker, 7786; Sinclair, 8106.

INVERNESS—Colvin, 8581.

PUBLICANS SHOULD SELL FOR CONSUMPTION ON PREMISES ONLY—*See* Thomson, 1638; MacRosty, 6415; Jolly, 6600; Pirie, 7551-3; Wyness, 8394; Lealie, 8600; Report, par. 37.

PURCHASER SHOULD BE PUNISHED AS WELL AS SELLER—*See* List, 1090; Thorburn, 1739; Dawson, 1870; Todd, 2028; List, 2198; Whyte, 5133; Kidston, 5846; Thomson, 7384; Hopkins, 8268; Report, par. 61.

Q

QUALITY OF SPIRITS, MORE ATTENTION SHOULD BE PAID TO—*See* Haig, 2070; Graham, 6955; Thomson, 7384.

QUANTITY, GROCERS SHOULD NOT BE RESTRICTED AS TO—*See* GROCERS.

QUART BOTTLE MINIMUM, THERE SHOULD BE—*See* GROCERS.

QUEENSFERRY—

See App. A, p. 398.

R

RENFREW, COUNTY OF, EVIDENCE RELATING TO—*See* Hunter, 4613.

See also App. B, p. 461.

See also GREENOCK, PAISLEY, PORT-GLASGOW.

RENFREW, TOWN OF—

See App. A, p. 400; App. B, p. 465.

RENT, THERE SHOULD BE MINIMUM RENT FIXED—*See* Skinner, 28; Linton, 189; Thomson, 686; Smith, 849; Laurie, 879; List, 1021; Moscrip, 1396; Fisher, 1970; Richardson, 2773; Grant, 2931; Mathieson, 3178; Orr, 4266; Sturrock, 4428; Willison, 4448; Dickie, 4532; Hunter, 4667; Jones, 4692; Kidston, 5852; Barclay, 6387; Graham, 6938; Yeaman, 7108; Ross, 7403; Robertson, 7837; Smith, 8026; Report, pars. 25, 43.

RENT, LIMITATION OF, SHOULD BE LEFT IN HANDS OF MAGISTRATES—*See* Ewen, 957; Anstruther, 1467; Thomson, 1678; Livingston, 2827; Ford, 3471; Bain, 3558; Orkney, 4839; Breingan, 5374; Lindsay, 5381; Simpson, 8351.

REPRESENTATIVE WITNESSES—*See* MEMORIALS.

RESTRICTIONS, THERE SHOULD BE FURTHER—*See* CASKS, COMMUNICATION, HOURS, OPEN VESSELS, POLICE, RENT, SCREENS, SEALED BOTTLES, WINDOWS, Report, pars. 27, 28, 30, 40, 41, 45, 46, 48, 51, 52, 53.

ROSS, COUNTY OF, EVIDENCE RELATING TO—*See* Munro, 8280.

See also App. A, p. 401; App. B, p. 466.

See also DINGWALL, FORTROSE, TAIN.

ROTHESAY, EVIDENCE RELATING TO—*See* ORKNEY, 4799.

See also App. A, p. 386; App. B, p. 417; App. C, pp. 478-9.]

ROXBURGH, COUNTY OF, EVIDENCE RELATING TO—*See* Porter, 2096.

See also App. A, p. 402; App. B, p. 467.

See also HAWICK, JEDBURGH, KELSO.

RUTHERGLEN, EVIDENCE RELATING TO—*See* King, 5513.

See also App. A, p. 398.

S

SALE AT ILLEGAL HOURS TAKES PLACE—*See* List, 1032; Jones, 4690; Welsh, 6184; Robertson, 6729; Ross, 7434; Cadenhead, 7491; Swanson, 7616; Wright, 7924; Rennie, 7951; Falconer, 7965; Pope, 8074; Report, par. 24.

SALE IN SMALL QUANTITIES HAS INJURIOUS EFFECT—*See* Henderson, 731; Murdoch, 1373; M'Beth, 4410; Angus, 7939.

ST ANDREWS—

See App. A, p. 391.

SCREENS OR PARTITIONS IN SHOPS SHOULD NOT BE ALLOWED—*See* Robertson, 6035; Dewar, 6118; Richardson, 7656; Hendry, 7690; Pope, 8074; Wilson, 8174; Report, pars. 28, 45.

SEALED BOTTLE, SALE SHOULD BE IN—*See* Henderson, 744; Mackay, 797; Murdoch, 1372; Anstruther, 1462; Thorburn, 1735; Cowan, 2262; Dundas, 2834; Thomson, 3426; Normand, 3505; Bain, 3556; Davidson, 3866; Murray, 3966; Orr, 4271; Jenkins, 4329; M'Beth, 4418; Menzies, 4489; Jones, 4691; King, 5530; Kidston, 5846; Kinnaird, 6310; Graham, 6957; Cadenhead, 7513; Pirie, 8486; Simpson, 8575.

SELKIRK, COUNTY OF—

See App. A, p. 403; App. B, p. 470.

See also GALASHIELS.

SELKIRK, TOWN OF—

See App. A, p. 403.

SEPARATION OF TRADES, IN FAVOUR OF—*See* Simpson, 623; Thomson, 684; Smith, 849; Miller, 900; Menzies, 938; Wilson, 1311; Lewis, 1520; Mitchell, 2057; Porter, 2150; Shearer, 2296; Craster, 2377; A.B., 3001; Forsyth, 3040; Clelland, 3071; Telfer, 3089; Mathieson, 3184; Mackay, 3278; Nisbet, 3343; Robertson, 3370; Thomson, 3424; Watt, 3442; Anderson, 3516; M'Hardy, 3674; Davidson, 3858; Murray, 3970; Robertson, 4043; Macdonald, 4048; Chalmers, 4147; Menzies, 4489; M'Killip, 4548; Hunter, 4665; Jones, 4712; Scott, 4876; King, 5530; M'Neil, 5737; Anderson, 5777; Simpson, 5836; Johnston, 5911; Renfrew, 5925; Fairless, 5927; Harvey, 5937; Dunnachie, 5960; Reid, 5980; Robertson, 6022; Keith, 6163; Kinnaird, 6310; Smythe, 6339; Barclay, 6362; MacRosty, 6411; Hislop, 6525; Williamson, 6537; Thomson, 6573; M'Intosh, 6584; Jolly, 6606; Whyte, 6635; Boyd, 6701; Harvey, 6749; Matthew, 6810; Munro, 6821; Reid, 7363; Saunders, 7375; Swanson, 7597; Richardson, 7660; Hendry, 7696; Tindal, 7707-34; Adams, 7902; Wright, 7910; Angus, 7925; Gall, 7940; Kealemont, 7974; Rait, 8136; Simpson, 8352; Mackenzie, 8443; Pirie, 8500; Macqueen, 8549; Burns, 8570; Lealie, 8600.

SEPARATION OF TRADES, OPPOSED TO—*See* Ewen, 971; Bathgate, 1181; Anstruther, 1443; Thomson, 1608; Cowbrough, 1790; M'Ewen, 1884; List, 2235; Cowan, 2260; Mungall, 2324; Calder, 2567; Stewart, 2637; Dundas, 2835; Macrae, 2885; Pentland, 2943; Bain, 3570; Wilson, 3636; Orr, 4270; M'Beth, 4418; Higgins, 4541; Osborne, 4748; Orr, 5213; Scott, 5426; Barras, 5580; Harper, 5636; Crichton, 5674; Thomson, 5698; Wilson, 5705; Ormiston, 5778; Bryce, 5810; Anderson, 5867; M'Lean, 5878; Sturrat, 5886; Shield, 6281; Millar, 6483; Clark, 6511; Kewana, 6644; Christison, 6653; Fox, 6879; Hay, 6911; Arrot, 7023; Irvine, 7045; M'Intyre, 7154; Miller, 7159; Carnegie, 7300; Thomson, 7384; Ross, 7403; Durie, 7746; Weir, 7817; Robertson, 7853-4; Walker, 7993; Smart, 8009; Littlejohn, 8040; Cumming, 8206; Munro, 8309; Stirling, 8547.

SEPARATION OF TRADES WOULD INCREASE SHEBEENING—*See* Cadenhead, 7521; Colvin, 8590.

SERVANTS, TREATING—*See* TREATING.

SHEBEENS, ILLICIT SALE IN, GREATLY DECREASED SINCE ACT OF 1862—*See* M'Laren, 115; Robertson, 6053; Report, par. 20.

SHEBEENS STILL EXIST TO CONSIDERABLE EXTENT—*See* Davidson, 2723; Dundas, 2844; Yeaman, 7087; Swanson, 7618-21; Murray, 8518-20; Colvin, 8591; Report, par. 22.

SHEBEENING EXISTS TO CONSIDERABLE EXTENT IN DISTRICTS WHERE THERE ARE FEW PUBLICHOUSES—*See* Davidson, 2723; Munro, 8218.

SHERIFF, LICENCES SHOULD BE GRANTED BY—*See* LICENCES.

SHERIFFS EXAMINED—Spens, 3996; Barclay, 6353; Thomson, 7384.

SHERIFF CLERKS EXAMINED—*See* PUBLIC OFFICIALS.

SHETLAND—

See App. A, pp. 403-4; App. B, p. 472.

SPIRITS, CONSUMPTION OF, HAS INCREASED—*See* List, 1000; Lewis, 1509; Thomson, 1608; Cowbrough, 1790; Porter, 2116; Murray, 2461; Nisbet, 3336; Reid, 7362; Leslie, 8600.

SPIRITS SHOULD BE KEPT IN BOND ONE YEAR BEFORE SALE FOR CONSUMPTION—*See* Breingan, 5367; Heron, 5399; Campbell, 5425; Thomson, 7384; Haig, 8697, 8724; Menzies, 8871-89.

SPIRITS SHOULD BE KEPT IN BOND TWO YEARS BEFORE SALE FOR CONSUMPTION—*See* Thomson, 1665; Meikle, 2015; Haig, 2091; Stewart, 2624; Richardson, 2792; Wallace, 4937; Anderson, 5463; Ogilvie, 5496; Taylor, 5610; Thomson, 5719; Robertson, 6074; Fox, 6903; Graham, 6947; Mann, 7020; Miller, 7181; Raeburn, 7891; Stevens, 8034; Menzies, 8872-89.

SPIRITS SHOULD BE KEPT IN BOND THREE YEARS BEFORE SALE FOR CONSUMPTION—*See* Catto, 8049.

STIRLING, COUNTY OF—

See App. A, p. 404; App. B, p. 473; App. C, pp. 486-7.

STIRLING, TOWN OF—

See App. A, p. 404; App. B, p. 474; App. C, pp. 486-7.

STRANRAER, EVIDENCE RELATING TO—*See* M'Neil, 5726.

SUNDAY STEAMERS, EVIDENCE AS TO ANNOYANCE CAUSED BY—*See* Campbell, 4361; Orkney, 4849; Clark, 6513.

SUTHERLANDSHIRE—

See App. A, pp. 404-5; App. B, p. 475.

T

TAIN—

See App. A, p. 402.

TOWN CLERKS EXAMINED—*See* PUBLIC OFFICIALS.

TRANSFER OF LICENCES, EVIDENCE AS TO—*See* M'Laren, 166; Tawse, 335, 353, 376; Mackay, 800, 804-808; Thomson, 1699; Grant, 2931-9; Bain, 3552; M'Culloch, 4116-20; Chalmers, 4140; Whyte, 5118; Crichton, 5691; Kidston, 5852; Easlemont, 7974.

TREATING POLICE SOMETIMES TAKES PLACE—*See* MacGregor, 465; Moscrip, 1423; Adamson, 2390; M'Call, 3829; Johnston, 5914; Robertson, 6011; Dewar, 6120.

TREATING POLICE IS UNUSUAL—*See* Linton, 257; Mackay, 824; Picken, 1142; Bathgate, 1189; Bremner, 1258; Thomson, 1639; Meikle, 2017; Porter, 2145; List, 2228; Grant, 2922; Pentland, 2957; Mackay, 3290; Wilson, 3616; M'Hardy, 3700; Orr, 4284; Ross, 7464.

TREATING CUSTOMERS OR SERVANTS IS COMMON PRACTICE—*See* M'Laren, 117; Adamson, 2390; Dundas, 2837; MacRosty, 6432; M'Intosh, 6582; Boyd, 6697; Robertson, 6729; Harvey, 6745; Munro, 6862.

TREATING CUSTOMERS OR SERVANTS SOMETIMES TAKES PLACE—*See* MacGregor, 493; Carnegie, 7301.

TREATING CUSTOMERS OR SERVANTS NEVER DONE—*See* Thomson, 1703; Thorburn, 1736; Wright, 1825; Meikle, 2017; Calder, 2569; Pentland, 2957; M'Lauchlan, 5405; Crichton, 5678; Fox, 6879.

TREATING TRAVELLERS NEVER DONE—*See* Dawson, 1901; M'Ewen, 1898; Buchanan, 1919; Crichton, 5678; Fox, 6879.

U

UNLICENSED GROCERS EXAMINED—*See* GROCERS.

UNLICENSED GROCER, PRESENT SYSTEM UNFAIR TO—*See* LICENSED GROCER HAS UNDUE ADVANTAGE.

UTENSILS, PRESENCE OF DRINKING, IN SHOP, SHOULD BE SUFFICIENT TO CONVICT—*See* Hay, 6921; Mackenzie, 7312; Ross, 7429; Munro, 8308; Wyness, 8400; Report, par. 47.

V

VANS—*See* GROCERS' CARTS.

VICTUALLING SOCIETIES, MANAGERS OF, EXAMINED—*See* Taylor, 5891; Butler, 5893.

W

WATCH OR SPIES TO LOOK OUT FOR POLICE—*See* Ross, 7423; Cadenhead, 7507; Richardson, 7652-4; Hendry, 7681; Robertson, 7835; Falconer, 7967; Wilson, 8176; Hopkins, 8265; Wyness, 8391; Murray, 8520; Stirling, 8532—Report, par. 29.

WESTMORELAND, COUNTY OF, EVIDENCE RELATING TO—*See* Dunne, 4969.

WHISKY SHOULD BE KEPT IN BOND BEFORE SALE FOR CONSUMPTION—*See* SPIRITS.

WHISKY WHEN NEW IS UNWHOLESOME—*See* Thomson, 1667; Meikle, 2015; Tatlock, 4919; Wallace, 4931; Ogilvie, 5496; Barras, 5589; Catto, 8049; MacKenzie, 8449; Haig, 8724.

WHITHORN—

See App. A, p. 404.

WICK—

See App. A, p. 386.

WIGTOWN, COUNTY OF—

See App. A, p. 405; App. B, p. 476.

See also STRANRAER, WHITHORN.

WIGTOWN, TOWN OF—

See App. A, p. 405.

WINDOWS SHOULD NOT BE OBSCURED—*See* Laurie, 869; Robertson, 6036; Miller, 7166; Thomson, 7384; Cadenhead, 7527; Richardson, 7654; Robertson, 7850; Pope, 8074; Wilson, 8174; Cumming, 8208; Munro, 8308—Report, para. 28, 45.

WINE MERCHANTS EXAMINED—Crawford, 4950; Buchanan, 4950; Williamson, 4950; Anderson, 5769.

WOMEN, FACILITIES AFFORDED BY GROCERS' LICENCES TO—*See* FEMALE DRINKING.

WORKING CLASS, INCREASED FRUGALITY OF—*See* Thomson, 1653; Cowan, 2249; Wise, 2558; Livingston, 2797; Macdonald, 4074; Paterson, 5557.

WORKING CLASS, IMPROVEMENT IN HABITS OF—*See* Thomson, 1576, 1651; Cowan, 2249; Livingston, 2797; Macdonald, 4084; Dobson, 5808.

WORKING MEN—MANAGERS OF WORKS, FOREMEN, AND PERSONS EMPLOYED IN TRADE AND MANUFACTURES, Examined—

EDINBURGH—A. B., 2998; E. F., 3129; Nisbet, 3319.

GLASGOW—Hodge, 4173 and 4207; Cook, 4176; Campbell, 4184; Clark, 4194; Higgins, 4534; Paterson, 5550; Ormiston, 5778; Stewart, 5780; Robertson, 5784; Dobson, 5799; Bryce, 5809; Anderson, 5867, M'Lean, 5868; Stirrat, 5870; Dunnachie, 5955; Reid, 5968.

DUNDEE—Williamson, 6530; Thomson, 6567 and 7231; M'Lagan, 6608; G. H., 6621; Dickson, 6674; Jamieson, 6686; Boyd, 6696; Crooks, 6703; Robertson, 6729; Harvey, 6745; Scott, 6764; Lamond, 6777; Birse, 6793; Thornton, 6811; Irvine, 7045; Stewart, 7235; M'Nidder, 7254.

ABERDEEN—Tindal, 7706; Rennie, 7951; Munro, 7956; Falconer, 7965.

